United Nations A/68/255–S/2013/463

General Assembly
Security Council

Distr.: General
2 August 2013

Original: English

General Assembly
Sixty-eighth session
Item 74 of the provisional agenda*
Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Security Council
Sixty-eighth year

Report of the International Tribunal for the Former Yugoslavia

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and the members of the Security Council the twentieth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, submitted by the President of the International Tribunal in accordance with article 34 of the statute of the Tribunal (see S/25704 and Corr.1, annex) which states that:

> The President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council and to the General Assembly.

* A/68/150.

13-41664 (E) 300813

Please recycle

Letter of transmittal

2 August 2013

I have the honour to submit the twentieth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, dated 2 August 2013, to the General Assembly and the Security Council, pursuant to article 34 of the statute of the International Tribunal.

(*Signed*) Theodor **Meron**
President

President of the General Assembly
United Nations
New York

President of the Security Council
United Nations
New York

Twentieth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Summary

The twentieth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 covers the period from 1 August 2012 to 31 July 2013.

The Tribunal continued to focus on the completion of all trials and appeals, rendering 13 trial, appeal and contempt judgements. All 161 indicted individuals have been accounted for and, at the close of the reporting period, 21 persons were in appeal proceedings or had been granted extensions to file their notices of appeal, while four persons were on trial. The report details the activities of the Tribunal during the reporting period and demonstrates the Tribunal's commitment to completing its proceedings as soon as possible, without sacrificing due process. However, as appeals in the *Prlić et al.* case will fall under the jurisdiction of the Tribunal, appellate work at the Tribunal is now projected to continue until mid-2017.

The President continued his efforts to streamline procedures and to improve the pace of the Tribunal's work. In particular, he encouraged the Security Council to ensure that the Tribunal had a full complement of judges in order to prevent any potential delays caused by the increased workload of the Appeals Chamber. Staff attrition remained a serious challenge to the work of the Tribunal.

With the valuable assistance of the Office of Legal Affairs of the Secretariat and the Security Council Informal Working Group on International Tribunals, the Tribunal coordinated a smooth transition of functions to the International Residual Mechanism for Criminal Tribunals. On 1 July 2013, the Hague Branch of the Mechanism began operating, following the successful launch of the Arusha Branch on 1 July 2012.

During the reporting period the Tribunal continued to make significant contributions to both the development of legal norms of international criminal law and procedure, and to the maintenance of peace and stability in the States of the former Yugoslavia. The Tribunal's success is underlined by the fact that all 161 indictees are accounted for, and by the Tribunal's reputation for procedural fairness and impartiality.

The Office of the Prosecutor made progress towards the completion of the Tribunal's mandate at both the trial and appellate levels. The Office of the Prosecutor continued to develop working relationships with the authorities of the States of the former Yugoslavia to encourage cooperation with the Tribunal and to support domestic war crimes prosecutions.

Under the authority of the President, the Registry provided administrative and judicial support to the Tribunal, coordinating a wide range of legal, policy and operational matters. The Registry also coordinated practical arrangements necessary for the transfer of responsibilities to the Mechanism.

Contents

		Page
I.	Introduction	5
II.	Activities involving the entire Tribunal	5
	A. President	5
	B. Bureau	8
	C. Coordination Council	8
	D. Plenary sessions	8
	E. Rules Committee	8
III.	Activities of the Chambers	8
	A. Composition of the Chambers	8
	B. Principal activities of the Chambers	9
IV.	Activity of the Office of the Prosecutor	12
	A. Completion of trials and appeals	12
	B. Cooperation	13
	C. Effective implementation of national war crimes strategies	15
V.	Activity of the Registry	15
	A. Office of the Registrar	15
	B. Judicial Support Division	17
	C. Administrative Support Service Division	18

I. Introduction

1. The twentieth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 outlines the activities of the Tribunal for the period from 1 August 2012 to 31 July 2013.

2. During the reporting period, the Tribunal continued to implement its completion strategy as endorsed by the Security Council in resolution 1503 (2003) and to focus on ensuring that trial and appeal proceedings were not delayed. At the close of the reporting period, 21 persons were in appeal proceedings or had been granted extensions to file notices of appeal, and four persons were on trial. The Trial Chambers delivered judgements in the *Haradinaj et al.*, *Prlić et al.*, *Stanišić and Simatović*, *Stanišić and Župljanin*, and *Tolimir* cases. Appeals arising from all of these cases except for *Haradinaj et al.* are now pending before the Tribunal. The Appeals Chamber delivered judgements in the *Gotovina and Markač*, *Lukić and Lukić*, and *Perišić* cases, and in the Prosecution's appeal against the acquittal of Mr. Karadžić pursuant to rule 98 bis of the Rules of Procedure and Evidence of the Tribunal. A contempt trial judgement was delivered in the *Krstić* case, and contempt appeal judgements were delivered in the *Rašić* case and in two cases arising from the *Šešelj* trial proceedings. The Tribunal has concluded proceedings against 136 of the 161 persons indicted by the Tribunal. There are no outstanding indictments for violations of core statutory crimes.

3. The Registrar, John Hocking, was reappointed by the Secretary-General, in consultation with the President of the Tribunal, on 17 April 2013 with effect from 15 May 2013. The President, Judge Theodor Meron, and the Prosecutor, Serge Brammertz, continued to fulfil their duties at the Tribunal.

4. Various measures were taken during the reporting period to ensure that the Tribunal operated as efficiently as possible while preserving the highest levels of procedural fairness. Those efforts included coordination with the Security Council to ensure that the Tribunal was assigned its full complement of judges in order to address any potential delays caused by the Appeals Chamber's increased workload.

5. The pace of the Tribunal's trials and appeals continued to be affected by staffing shortages and the loss of highly experienced staff members. Despite resolutions adopted by the General Assembly and the Security Council on the issue of staff retention, this problem persisted throughout the reporting period.

II. Activities involving the entire Tribunal

A. President

6. The President oversaw the Tribunal's work, focusing on the judicial responsibilities of his office and on initiatives aimed at the timely completion of trials and appeals. He also pursued capacity-building and legacy projects and met with Governments and international organizations.

1. Clarifying procedures and strengthening the Appeals Chamber

7. During the reporting period, the Tribunal amended rule 33 bis of the Rules in order to clarify the functions of the Deputy Registrar. Rule 33 ter of the Rules was adopted to designate the functions of the Head of Chambers. The Tribunal amended rule 69 of the Rules to allow both the Prosecutor and defence counsel to apply for an order of non-disclosure concerning the identity of a victim or witness in certain circumstances and to provide trial chambers with more flexibility in determining when the identity of such a victim or witness shall be disclosed. Lastly, rule 126 of the Rules was amended to clarify that the time for doing an act after the filing of a relevant document shall begin to run as from the date that the document is distributed.

8. The President coordinated closely with judges of the Tribunal, the Office of Legal Affairs, and the Security Council Working Group to reduce the risk of delays in trials and appeals. Among other efforts, the President closely monitored the progress of cases and proactively assigned additional legal staff to teams requiring assistance. The President actively worked to prevent any potential delays caused by the Appeals Chamber's increased workload. In particular, the President sought a rapid replacement for Appeal Judge Andrésia Vaz (Senegal), who demitted office on 31 May 2013. The President also noted that, although the Security Council anticipated and planned for the shift from trial to appeals work by authorizing the redeployment of four permanent trial judges to the Appeals Chamber, such redeployments were prevented by the ongoing trials of late-arrested accused. In response the Security Council determined to return the Tribunal to its full complement of judges through election of a replacement judge to be assigned to the Appeals Chamber.

2. Capacity-building and legacy

9. The Tribunal continued working with the Organization for Security and Cooperation in Europe (OSCE) on the second phase of the War Crimes Justice Project. This project included skills training for judges, prosecutors and defence lawyers in the former Yugoslavia. In addition, the Tribunal participated in peer-to-peer meetings for judges and witness support services in the region.

10. The Tribunal also continued working with local authorities and international partners to establish information centres in the former Yugoslavia. In Bosnia, the Mayor of Sarajevo, with the support of Bosniak and Bosnian Croat members of the Presidency, has pledged space for an information centre in the renovated National Library in Sarajevo. The Bosnian Serb members of the Presidency also indicated support for the Sarajevo information centre, as well as for the establishment of a centre in Banja Luka. The Tribunal is awaiting further information from the authorities in Banja Luka with regard to the premises and other resources that they would provide for the project. In Croatia, the authorities informed the Tribunal that an information centre could be hosted on the premises of the University of Zagreb should the decision be made to establish a centre in Croatia. Initiatives in both countries will require external funding and support.

11. In May 2013, to mark the twentieth anniversary of its establishment by the Security Council in its resolution 827 (1993), the Tribunal hosted a ceremony in The Hague attended by many dignitaries, including His Majesty King Willem-Alexander of the Netherlands and the Under-Secretary-General for Legal Affairs, Patricia

O'Brien. The Tribunal is also planning a conference to be held in Sarajevo later in 2013, to which representatives from all States of the former Yugoslavia will be invited.

3. Relations with Governments and international organizations

12. Throughout the reporting period the President conducted missions to several States, during which he provided briefings on the Tribunal's work, the implementation of the completion strategy, the transition to the International Residual Mechanism, and challenges facing the Tribunal. The President undertook such visits to the United Kingdom from 28 September to 1 October 2012 and again from 6 to 11 March 2013, to the United States on 18 and 19 October 2012, to Canada from 23 to 27 October 2012, to France on 21 January 2013, and to China from 30 May to 1 June 2013. In addition, from 13 to 16 May 2013, the President joined a visit to St. Petersburg organized by the city of The Hague in conjunction with leaders of international institutions based in The Hague.

13. The President also made presentations regarding the Tribunal's work to the principal organs of the United Nations. On 15 October 2012, the President addressed the General Assembly regarding the Tribunal's nineteenth annual report (see A/67/PV.24). On 5 December 2012, the President addressed the Security Council to present the Tribunal's eighteenth completion strategy report (see S/PV.6880). On 12 June 2013, the President addressed the Security Council regarding the Tribunal's nineteenth completion strategy report (see S/PV.6977).

14. Various representatives of Governments and judiciaries visited the Tribunal during the reporting period and met with the President, judges and other officials to learn about the Tribunal's achievements, challenges and ongoing work. Such visitors included the Minister of Justice of Serbia, Nikola Selaković, who met with the President on 17 January 2013. On 31 January the Tribunal also welcomed judges and other officials from Albania, Turkey and various States of the former Yugoslavia. On 28 May 2013, the Chief Parliamentary Ombudsman of Sweden, Elisabet Fura, visited the Tribunal, and the President of Germany, Joachim Gauck, visited on 30 May 2013. From 24 to 28 June 2013, the Tribunal welcomed a group of French judges and prosecutors. The Tribunal was also visited by judges and court reporters from Croatia on 16 and 17 July 2013.

4. Judicial activity

15. The statute of the Tribunal, the Rules and the Practice Directions confer upon the President certain judicial functions, and in carrying out such duties the President issued numerous orders assigning cases to Chambers, and reviewed several decisions of the Registrar. The President also considered 14 requests for pardon, commutation of sentence, transfer and early release of persons convicted by the Tribunal, granting 11 such requests and rejecting 3.

5. Transition to the International Residual Mechanism for Criminal Tribunals

16. The Hague branch of the International Residual Mechanism for Criminal Tribunals commenced operations on 1 July 2013. The President has taken active steps to ensure a smooth handover of functions to the Mechanism, liaising with internal and external stakeholders, and facilitating the development of necessary practices and procedures.

B. Bureau

17. Pursuant to rule 23 of the Rules, the Bureau is composed of the President, the Vice-President and the presiding judges of the Trial Chambers. During the reporting period the President consulted the Bureau on requests for pardon, commutation of sentence and early release of convicted persons serving their sentences. The Bureau also advised the President on general policy matters relevant to the Tribunal.

C. Coordination Council

18. Pursuant to rule 23 bis of the Rules, the Coordination Council consists of the President, the Prosecutor and the Registrar. The Council held several meetings during the reporting period to discuss, inter alia, archives, budgetary concerns, and ensuring a smooth transition to the Mechanism.

D. Plenary sessions

19. During the reporting period, the judges held one plenary session, on 20 November 2012.

E. Rules Committee

20. The judicial membership of the Rules Committee comprises Vice-President Carmel Agius (Chair), President Theodor Meron, and Judges Christoph Flügge, Alphons Orie and O-Gon Kwon. The non-voting members include the Prosecutor, the Registrar and a representative of the Association of Defence Counsel. During the reporting period, the Rules Committee met twice, on 28 January and 9 April 2013, to discuss proposals to the Rules and make recommendations to the judges.

III. Activities of the Chambers

A. Composition of the Chambers

21. Twenty-two judges from 21 countries currently serve at the Tribunal. The Chambers are currently composed of 13 permanent tribunal judges, 5 permanent judges of the International Criminal Tribunal for Rwanda serving in the Appeals Chamber, and 4 ad litem judges.

22. The Tribunal's permanent judges are Theodor Meron (President, United States of America), Carmel Agius (Vice-President, Malta), Christoph Flügge (Germany), Alphons Orie (Netherlands), O-Gon Kwon (Republic of Korea), Patrick Robinson (Jamaica), Fausto Pocar (Italy), Liu Daqun (China), Jean-Claude Antonetti (France), Bakone Justice Moloto (South Africa), Burton Hall (Bahamas), Howard Morrison (United Kingdom of Great Britain and Northern Ireland), and Guy Delvoie (Belgium). The permanent judges from the International Criminal Tribunal for Rwanda serving in the Appeals Chamber are Mehmet Güney (Turkey), and, following their redeployment from the Trial Chamber of the International Criminal Tribunal for Rwanda to the Appeals Chamber, Arlette Ramaroson (Madagascar),

effective 22 September 2011, Khalida Rachid Khan (Pakistan), effective 1 March 2012, Bakhtiyar Tuzmukhamedov (Russian Federation), effective 29 June 2012, and William Hussein Sekule (United Republic of Tanzania), effective 10 March 2013. Andrésia Vaz (Senegal), a permanent judge of the International Criminal Tribunal for Rwanda, served in the Appeals Chamber during the reporting period but demitted office on 31 May 2013.

23. The Tribunal's ad litem judges are Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo), Frederik Harhoff (Denmark), Flavia Lattanzi (Italy) and Melville Baird (Trinidad and Tobago). Prisca Matimba Nyambe (Zambia) served as an ad litem judge during the reporting period but left the Tribunal on 18 December 2012 upon completing her mandate. Árpád Prandler (Hungary) and Stefan Trechsel (Switzerland) served as ad litem judges during the reporting period but left the Tribunal on 7 June 2013 upon completing their mandates. Elizabeth Gwaunza (Zimbabwe) and Michèle Picard (France) served as ad litem judges during the reporting period, but left the Tribunal on 8 June 2013 upon completing their mandates.

24. At the close of the reporting period, the Trial Chambers were composed of Judges Flügge (presiding), Orie (presiding), Kwon (presiding), Antonetti, Moloto, Hall, Morrison, Delvoie, Mindua, Harhoff, Lattanzi and Baird.

25. At the close of the reporting period, the Appeals Chamber was composed of Judges Meron (presiding), Agius, Sekule, Robinson, Güney, Pocar, Liu, Ramaroson, Khan and Tuzmukhamedov.

B. Principal activities of the Chambers

26. There were no pretrial cases pending before Trial Chambers at the end of the reporting period.

1. Trial Chamber I

Mladić

27. Ratko Mladić is charged with 11 counts of genocide, crimes against humanity, and violations of the laws or customs of war, all in relation to acts allegedly committed in Bosnia and Herzegovina between 12 May 1992 and 30 November 1995. The Trial Chamber is composed of Judges Orie (presiding), Flügge and Moloto. The trial commenced on 16 May 2012, and the judgement is expected in July 2016.

Stanišić and Simatović

28. The judgement was rendered on 30 May 2013. The Trial Chamber, composed of Judges Orie (presiding), Picard and Gwaunza, acquitted Jovica Stanišić and Franko Simatović on all counts in the indictment.

2. Trial Chamber II

Goran Hadžić

29. Goran Hadžić is charged with 14 counts of crimes against humanity and violations of the laws or customs of war, all in relation to acts allegedly committed

in Croatia and Serbia between 25 June 1991 and December 1993. The Trial Chamber is composed of Judge Delvoie (presiding), Hall and Mindua. The trial commenced on 16 October 2012, and the judgement is expected in December 2015.

Haradinaj et al.

30. The judgement was rendered on 29 November 2012. The Trial Chamber, composed of Judges Moloto (presiding), Hall and Delvoie, acquitted Ramush Haradinaj, Idriz Balaj and Lahij Brahimaj on all counts in the indictment.

Tolimir

31. The judgement was rendered on 12 December 2012. The Trial Chamber, composed of Judges Flügge (presiding), Mindua and Nyambe, found Zdravko Tolimir guilty of genocide, conspiracy to commit genocide, crimes against humanity, and a violation of the laws or customs of war. Tolimir was sentenced to life imprisonment.

Stanišić and Župljanin

32. The judgement was rendered on 27 March 2013. The Trial Chamber, composed of Judges Hall (presiding), Delvoie and Harhoff, found Mićo Stanišić and Stojan Župljanin guilty of crimes against humanity and violations of the laws or customs of war. Stanišić and Župljanin were each sentenced to 22 years of imprisonment.

3. Trial Chamber III

Karadžić

33. Radovan Karadžić is charged with 11 counts of genocide, crimes against humanity, and violations of the laws or customs of war, all in relation to acts allegedly committed in Bosnia and Herzegovina between 1992 and 1995. The Trial Chamber is composed of Judges Kwon (presiding), Morrison, Baird and Lattanzi (reserve). The trial commenced on 26 October 2009, and is currently in the defence stage of the case, which commenced on 16 October 2012. The judgement is expected in July 2015.

Prlić et al.

34. The judgement was rendered on 29 May 2013. The Trial Chamber, composed of Judges Antonetti (presiding), Prandler, Trechsel and Mindua (reserve) found Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić and Berislav Pušić guilty of crimes against humanity, violations of the laws or customs of war, and grave breaches of the Geneva Conventions. Prlić was sentenced to 25 years of imprisonment; Stojić, Praljak and Petković were each sentenced to 20 years of imprisonment; Ćorić was sentenced to 16 years of imprisonment; and Pušić was sentenced to 10 years of imprisonment.

Šešelj

35. Vojislav Šešelj is charged with nine counts of crimes against humanity and violations of the laws or customs of war, all in relation to acts allegedly committed in Croatia, Bosnia and Herzegovina and Vojvodina (Serbia) between August 1991 and September 1993. The Trial Chamber is composed of Judges Antonetti

(presiding), Harhoff and Lattanzi. Trial proceedings concluded on 20 May 2012 and the Chamber is now in the process of conducting deliberations and preparing the judgement. On 15 April 2013, the Chamber filed a scheduling order setting the date for the pronouncement of the judgement as 30 October 2013.

Krstić

36. The contempt judgement was rendered on 18 July 2013. The Trial Chamber, composed of Judges Baird (presiding), Kwon, Morrison and Lattanzi (reserve), found Krstić not guilty of contempt.

4. Rule 11 bis Referral Bench

37. The Rule 11 bis Referral Bench has transferred all low- and mid-level accused from its trial docket in accordance with Security Council resolution 1503 (2003). During the reporting period the Rule 11 bis Referral Bench issued a confidential decision in relation to a previously referred case.

5. Specially Appointed Chamber (rule 75 (H) and (G), rule 75 bis and rule 75 ter)

38. The Specially Appointed Chamber has issued 31 decisions and orders, deciding on applications filed by third parties for access to confidential information and evidence from 12 cases.

6. Principal activities of the Appeals Chamber

(a) Interlocutory appeals

39. The Appeals Chamber issued two decisions on interlocutory appeals, in the cases of *Karadžić* and *Prlić et al.*

(b) Contempt appeals

40. In the case of *Prosecutor v. Vojislav Šešelj*, the Appeals Chamber rendered contempt appeal judgements on 28 November 2012 and 30 May 2013 (cases No. IT-03-67-R77.3-A and No. IT-03-67-R77.4-A).

(c) Appeals on the merits

41. The Appeals Chamber rendered three final judgements during the reporting period.

42. In the case of *Prosecutor v. Ante Gotovina and Mladen Markač*, the appeal judgement was rendered on 16 November 2012. The Appeals Chamber reversed both appellants' convictions.

43. In the case of *Prosecutor v. Milan Lukić and Sredoje Lukić*, the appeal judgement was rendered on 4 December 2012. The Appeals Chamber reversed certain of Sredoje Lukić's convictions and reduced his sentence to 27 years' imprisonment; rejected all of Milan Lukić's grounds of appeal and affirmed his life sentence; and declined to grant the prosecution's grounds of appeal.

44. In the case of *Prosecutor v. Momčilo Perišić*, the appeal judgement was rendered on 28 February 2013. The Appeals Chamber reversed all of Perišić's convictions.

45. In addition, on 11 July 2013, the Appeals Chamber rendered a judgement in the prosecution's appeal of a partial acquittal, entered pursuant to rule 98 bis of the Rules, in the case of *Prosecutor v. Radovan Karadžić*. The Appeals Chamber reversed Karadžić's acquittal and remanded the matter to the Trial Chamber.

46. Three Appeals Chamber cases discussed in the previous annual report — *Prosecutor v. Nikola Šainović et al.*, *Prosecutor v. Vujadin Popović et al.*, and *Prosecutor v. Vlastimir Đorđević* — are still pending before the Appeals Chamber. Appeals from judgement in four additional cases were filed before the Appeals Chamber during the reporting period, in *Prosecutor v. Jadranko Prlić et al.*, *Prosecutor v. Jovica Stanišić and Franko Simatović*, *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, and *Prosecutor v. Zdravko Tolimir*. Appeal hearings were held in the *Šainović et al.* and *Đorđević* cases, and judgements in these two cases are forecast by the end of 2013. Pre-appeal activity is ongoing in the remaining cases pending before the Appeals Chamber.

47. A notice of appeal in the case of *Prosecutor v. Jadranko Prlić et al.* was filed prior to 1 July 2013. Accordingly, the Tribunal will retain jurisdiction over this appeal. The judgement in this appeal is forecast for mid-2017, at which point the Tribunal is expected to have completed its judicial work.

48. A total of 92 pre-appeal decisions and orders were issued during the reporting period.[1]

49. The Chamber is currently seized of two applications for review. The first was filed by Sredoje Lukić, of the appeal judgement in the case of *Prosecutor v. Milan Lukić and Sredoje Lukić*. The second was filed by defence counsel for the late Rasim Delić, of the trial judgement in the case of *Prosecutor v. Rasim Delić*.

IV. Activity of the Office of the Prosecutor

A. Completion of trials and appeals

50. During this reporting period, the Office of the Prosecutor has made substantial advances in finalizing its trial work and managing an intense appellate caseload, while preparing for the transition and transfer of its functions to the International Residual Mechanism for Criminal Tribunals.

51. In this period, judgements were issued in five trials (*Haradinaj et al.*, *Tolimir*, *Stanišić and Župljanin*, *Prlić et al.*, and *Stanišić and Simatović*), four appeals (*Lukić and Lukić*, *Gotovina and Markač*, *Perišić and Karadžić* (rule 98 *bis* appeal)) and three contempt cases (*Krstić*, *Rašić* and *Šešelj*). At the end of this reporting period two cases are in the prosecution evidence presentation phase (*Hadžić* and *Mladić*); one case is in the defence evidence presentation phase (*Karadžić*); and one case is awaiting judgement at the Trial Chamber level (*Šešelj*). In addition, seven cases are on appeal (*Popović et al.*, *Šainović et al.*, *Đorđević*, *Tolimir*, *Stanišić and Župljanin*, *Prlić et al.*, and *Stanišić and Simatović*). In addition, the Office of the Prosecutor has responded to defence motions for review and for reconsideration of final judgement in the *Delić* and *Sredoje Lukić* cases, respectively.

[1] This figure includes orders and decisions filed as at 30 July 2013.

52. While approaching the end of its mandate, the Office of the Prosecutor is busier than ever with some of the most significant cases yet prosecuted before the Tribunal. By using written evidence in place of live testimony, the Office of the Prosecutor has achieved significant savings in court time. As a result of these measures, however, the three remaining trials are proceeding at an intense pace, placing considerable additional strain on the trial team members, on top of the strain already imposed by staff attrition. Crucial support to trial work has been provided by the Appeals Division to minimize the impact of the loss of key personnel on the conduct of trials; however, with seven appeals under way, the resources of the Appeals Division are being severely stretched.

B. Cooperation

53. The Tribunal continued to rely on the full cooperation of States to fulfil its mandate. The cooperation of States of the former Yugoslavia remains important and is primarily focused on day-to-day support for ongoing trials and appeals. The Office of the Prosecutor continued to promote and assess cooperation between the Tribunal and the countries of the former Yugoslavia, and the Prosecutor continued to foster working relations with national prosecutors. In October 2012, and again in April and May 2013, the Prosecutor met with officials and/or prosecutors in Brijuni, Sarajevo and Belgrade to discuss cooperation and other issues of mutual relevance.

1. Cooperation of Serbia

54. Serbia continued to play an important role in ensuring the successful completion of the work of the Office of the Prosecutor. During meetings in Belgrade, representatives of the Government of Serbia reiterated their previous assurances that they would continue cooperating with the Office. Serbia has shown continued diligence in processing the requests of the Office for assistance, and has adequately facilitated its access to witnesses, including by facilitating the appearance of witnesses before the Tribunal. The Office of the Prosecutor will continue to request Serbia's cooperation in support of its ongoing casework in the months to come.

55. Following the arrests of the last of the Tribunal's fugitives, Mladić and Hadžić, Serbia undertook to provide the Office of the Prosecutor with comprehensive information explaining how a number of those fugitives evaded justice for so long prior to their capture, as well as to investigate and prosecute individuals who assisted in harbouring the fugitives. During the Prosecutor's visit to Belgrade in September 2012, the Serbian Prosecutor for War Crimes presented additional and more detailed information on the progress concerning investigation of the fugitive networks. The pace of investigations has finally increased, producing results in some areas. Serbia's work on the fugitive networks is ongoing and the Serbian authorities are encouraged to ensure that this issue is finalized in a prompt and effective manner.

2. Cooperation of Croatia

56. Over the course of the reporting period, the Croatian authorities provided timely and adequate responses to day-to-day requests of the Office of the Prosecutor

for assistance, and facilitated access to witnesses and evidence as required. The Office will continue to rely on Croatia's cooperation in upcoming trials and appeals.

3. Cooperation of Bosnia and Herzegovina

57. During this reporting period, the authorities of Bosnia and Herzegovina responded promptly and adequately to most of the requests of the Office of the Prosecutor for documents as well as access to government archives. The authorities also provided valuable assistance with witness protection matters and facilitated the appearance of witnesses before the Tribunal. The Office will continue to rely on Bosnia and Herzegovina's cooperation in upcoming trials and appeals.

58. The Office of the Prosecutor remains concerned, however, about the slow pace of the investigation and prosecution of category II cases transferred by the Office to Bosnia and Herzegovina. Only 4 of the 13 cases transferred between June 2005 and December 2009 have been completed, and the announced date of December 2013 for completion of the category II cases will not be met. During the Prosecutor's meetings with the new Chief Prosecutor in Sarajevo in April 2013, the Chief Prosecutor indicated that his office would increase efforts to address the issue. The Prosecutor agreed to return to Bosnia and Herzegovina in the following months to discuss practical steps that could be taken with a view to completing the category II cases. The Office of the Prosecutor also hopes that the authorities of Bosnia and Herzegovina will finalize investigations arising out of material transferred to them by the Office concerning crimes documented in cases before it, but which did not form part of indictments by the Tribunal.

4. Cooperation between States of the former Yugoslavia in judicial matters

59. The Office of the Prosecutor continued to promote improved cooperation and collaboration between Serbia, Bosnia and Herzegovina and Croatia in war crimes matters, which is essential for combating impunity in the former Yugoslavia. The Office also fostered productive working relationships between regional prosecutors. The prosecutor's office of Bosnia and Herzegovina signed protocols on the exchange of evidence and information in war crimes cases with the prosecutor's offices in Serbia and Croatia on 31 January 2013 and 3 June 2013 respectively. If properly implemented, the protocols could pave the way for the transfer of evidence between the signatories and offer practical solutions to problems such as parallel investigations. The Office of the Prosecutor encourages the respective authorities to continue to take the steps necessary to implement the relevant agreements.

60. However, the Office of the Prosecutor remained concerned about the serious challenges that remain in coordinating the activities of judicial institutions across the region. For example, legal barriers to the extradition of suspects continue to obstruct effective investigations. Urgent action is needed by political and legal authorities in the region to promote and strengthen regional cooperation in war crimes cases. Improved regional cooperation in tackling organized crime provides an important precedent, as evidenced by the agreement between Croatia and Serbia on extraditing their nationals regarding organized crime matters.

5. Cooperation of other States and organizations

61. Support from States outside of the former Yugoslavia, and international organizations, remains important to the successful completion of the Tribunal's

mandate. To progress its casework expeditiously, the Office of the Prosecutor must continue to access the wealth of information held in the archives and other institutions of United Nations Member States. The Office acknowledges the assistance it received from the United Nations and its agencies, the European Union, the North Atlantic Treaty Organization, OSCE, the Council of Europe and non-governmental organizations, including those active in the former Yugoslavia.

C. Effective implementation of national war crimes strategies

62. As the Tribunal moves closer to the completion of its mandate, the Office of the Prosecutor remains committed to promoting effective war crimes prosecutions in the former Yugoslavia. During this reporting period, the Office continued to provide information to assist national jurisdictions in prosecuting crimes arising out of the conflict in the former Yugoslavia, the volume of requests received increasing from the previous period. The joint European Union/Tribunal "liaison prosecutors" project, in its fourth year of operation, continued to form a central component of the Office's strategy to strengthen the capacity of national criminal justice systems in the former Yugoslavia for war crimes cases.

63. Serious issues remained, however, particularly regarding the implementation of the national war crimes strategy in Bosnia and Herzegovina. While a few hundred cases were transferred from the State to entity judicial organs, the Office of the Prosecutor did not receive any requests for assistance from the entity-level authorities and there has been little progress in processing cases at the entity level. As limited progress has been made, a considerable backlog remains, such that the authorities of Bosnia and Herzegovina have little or no prospect of meeting the 2015 deadline imposed as part of the strategy.

64. Comprehensive measures and a commitment to radical improvements are required to make the strategy effective, including the appointment of additional entity prosecutors and other qualified personnel, as well as the provision of adequate resources, including to overcome witness protection problems. The Office of the Prosecutor strongly encourages the responsible authorities to make the necessary resources available.

V. Activity of the Registry

65. During the reporting period, the Registry provided judicial, diplomatic, operational and administrative support for the Tribunal. The Registry also managed the Tribunal's Outreach Programme.

A. Office of the Registrar

66. The Immediate Office of the Registrar supported the Registrar in his overall responsibility of directing the Registry, including supervising all Registry sections and representing the Tribunal in its relations with the host State, embassies and ministries, the United Nations and other international organizations.

67. The Immediate Office of the Registrar also assisted the Registrar in formulating and implementing the Registry strategic priorities, proactively

streamlining operational procedures to reflect the continuing shift in the Tribunal's activities from trials to appeals and the transition from the Tribunal to the International Residual Mechanism for Criminal Tribunals.

68. In accordance with the Tribunal's completion strategy, the Immediate Office of the Registrar has, together with the Division of Administration, continued implementing the established downsizing process for the reduction of posts. The Office also assisted the Registrar in conceptualizing the restructuring of the Judicial Support Division, which is to be implemented in the next budget cycle.

69. The Immediate Office of the Registrar supported the Registrar in managing the Arusha Branch of the Mechanism and preparing for the commencement of Mechanism operations in The Hague on 1 July 2013. This involved providing substantial administrative and legal support, harmonizing Tribunal and Mechanism budget submissions, recruiting staff, and developing judicial support policies and procedures for the Mechanism.

70. In preparation for the transfer of records and archives to the Mechanism, all Registry sections cooperated with the Mechanism Archives and Records Section, which operates a central records centre for the non-judicial records of the Tribunal. Together with the Immediate Office of the Registrar, the Section drafted an emergency response and disaster recovery plan for the Tribunal's physical records repositories, prepared relevant guidelines, and provided training to staff to ensure the efficient and effective implementation of the Secretary-General's bulletin on international criminal tribunals: information sensitivity, classification, handling and access (ST/SGB/2012/3).

71. The Communications Service ensured that journalists had access to accurate and up-to-date information regarding the Tribunal's judicial activities, as well as relevant audiovisual materials for use in their reports. A number of high-profile media projects completed during the reporting period increased the visibility of the Tribunal's work internationally. Interest in the Tribunal remained high, with visits from over 8,500 individuals, including approximately 315 from the former Yugoslavia. The Communications Service also promoted media coverage of the Tribunal's twentieth anniversary and the launch of the Hague Branch of the Mechanism.

72. The Tribunal continued to expand its presence on social media platforms. On a monthly basis, the contents posted on the Tribunal's Facebook page garnered between 10,000 and 30,000 views. Viewers from the former Yugoslavia constituted about 30 per cent of the audience. The Tribunal's Twitter account has also shown steady growth in its audience. The Tribunal's YouTube channel now has a total of 1.5 million views for its 1,625 videos, 50 per cent of whom are from the former Yugoslavia.

73. The Outreach Programme continued to promote the rule of law in the former Yugoslavia by delivering factual information about the Tribunal's work and legacy, thus stimulating debate in the region about wider issues of justice, transitional justice mechanisms, and post-conflict recovery. As a part of these efforts, the Outreach Programme organized two regional legacy conferences, one in Bosnia and Herzegovina and one in Croatia, and launched the second phase of a youth outreach effort in high schools and universities in Bosnia and Herzegovina, Croatia, Montenegro and the former Yugoslav Republic of Macedonia, reaching a total of

1,650 young people. The Outreach Programme also produced a documentary about the Tribunal's work in relation to crimes committed in the municipality of Prijedor in Bosnia and Herzegovina, and hosted a series of premieres and round-table debates about the film in the region.

74. The Tribunal's field offices in Belgrade and Sarajevo continued liaison and outreach activities throughout the reporting period. The field offices in Zagreb and Pristina were closed at the end of 2012, in line with the completion strategy. Together, those offices organized approximately 30 outreach events during the reporting period, reaching more than 2,750 individuals. In preparation for the launch of the Mechanism in The Hague, promotional activities on its role and functions were organized in Belgrade and Sarajevo for representatives of local judiciaries and non-governmental organizations.

75. The Outreach Programme continues to rely entirely on external funding. While resources to support activities in 2013-2014 have been secured from a new European Union funding source, the funding will suffice for only half of the two-year programme. Pursuant to General Assembly resolution 65/253, the Outreach Programme will continue its fundraising efforts. The Tribunal respectfully calls upon States and other donors to continue and increase support for outreach activities at this critical junction of the Tribunal's mandate.

B. Judicial Support Division

76. During the reporting period, the Court Management and Support Services Section supported nine cases at trial, 11 cases on appeal, and four contempt cases,[2] including support for 11 videoconference links and 11 rule 92 bis missions. It also assisted three self-represented accused through its *pro se* office, resolving various issues arising in the course of their proceedings. As at 31 July 2013, the Section had processed 8,774 filings (approximately 248,505 pages) submitted by parties and others in proceedings before the Tribunal. The Office of Document Management received 140,114 pages of translation requests, of which 10,324 pages were identified as duplicate pages, resulting in savings of approximately $836,224. The Section has also established protocols and implemented systems for the sharing and transfer of judicial records between the Tribunal and the Mechanism.

77. The Conference and Language Services Section continued to provide interpretation, translation and court reporting services for the Tribunal, as well as translation services for the Mechanism in Arusha. As at 31 July 2013, the Section had translated approximately 59,000 pages into English, French, Bosnian/Croatian/Serbian, Albanian and Macedonian, while trial support and translation of judgements and other legal documents continued and is still ongoing. The interpretation unit registered close to 3,600 conference interpreter days. The court reporting services produced over 71,000 transcript pages. Interpretation services were also provided for official meetings, witness proofing sessions, and missions away from the seat of the Tribunal, including in the region of the former Yugoslavia.

78. As at 31 July 2013, the Victims and Witnesses Section had assisted 509 witnesses and accompanying support persons travelling to The Hague to give

[2] These figures include an appeal from an acquittal entered pursuant to rule 98 bis of the Rules; cases with both trial and appeal components are counted twice.

evidence. The Section's Protection Unit coordinated professional responses to an increased number of threats to witnesses made before, during and after their appearances to give evidence in Tribunal proceedings, and it worked on relocating protected witnesses. The Section has worked closely with the Mechanism in Arusha to prepare harmonized victim and witness policies and practices.

79. During the reporting period the former Office for Legal Aid and Detention Matters was restructured. Its detention-related functions were transferred to the United Nation Detention Unit and its legal aid functions remained with the renamed Office for Legal Aid and Defence Matters, which continued to administer the Tribunal's legal aid system, overseeing an average of 275 defence team members. Of the 35 accused in trial and appeal proceedings during the reporting period, 31 were found unable or partially unable to remunerate counsel and were thus granted legal aid. Over half of those cases were ranked at the highest complexity level. The Office for Legal Aid and Defence Matters also provided counsel to detained witnesses and administered the appointment and remuneration of *amici curiae*. In compliance with the Tribunal's downsizing efforts, the Office reduced its legal aid budget by 18 per cent from the preceding biennium. In preparation for the transfer of functions to the Mechanism, the Office provided assistance regarding management of the legal aid system.

80. The United Nations Detention Unit continued to provide security and care for 24 detainees under the Tribunal's authority, and preparations were made to ensure satisfactory levels of security and care for detainees held under the authority of the Mechanism. All of the detainees were provided with medical care and any necessary specialist medical assistance. The Detention Unit also continued to facilitate the detainees' presence at court hearings on a daily basis and supervised the provisional releases of a number of detainees. With regard to self-represented accused, the Detention Unit ensured that they were provided with additional storage and office space, computer and database access tailored to the detention environment, and the ability to conduct witness interviews, whether in person or via videoconference. The Detention Unit also accommodated a number of detained witnesses and facilitated contact between detainees and the media where appropriate.

C. Administrative Support Service Division

81. By its resolution 66/239, the General Assembly, having considered the reports of the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions on the proposed programme budget, appropriated $281,036,100 gross for the Tribunal's budget for the biennium 2012-2013.

82. During the biennium 2012-2013, extrabudgetary resources are estimated at $1,880,185, funds which will be utilized for a variety of Tribunal activities. As at 31 July 2013, the Voluntary Fund had received a lifetime total of approximately $51.8 million in cash donations. For the period from 1 August 2012 to 31 July 2013, the Tribunal received and administered $1,032,347 in voluntary cash contributions.

83. The Division of Administration remained actively engaged in downsizing efforts and the second comparative review process, which was formulated in consultation with staff representatives. The approved budget for 2012-2013 features a net reduction of 120 posts.

84. The Division also coordinated the preparation of the proposed budget for the biennium 2014-2015, as well as the formulation of the second budget for the Hague Branch of the Mechanism. A comprehensive administrative closure plan was developed and adopted during the reporting period and, in line with the completion strategy, the Division oversaw the closure of the Zagreb and Pristina field offices at the end of 2012. Finally the Division provided administrative support to assist the establishment of the Mechanism throughout the biennium.

United Nations A/68/256

General Assembly

Distr.: General
2 August 2013

Original: English

Sixty-eighth session
Item 69 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Trafficking in persons, especially women and children

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, in accordance with Human Rights Council resolution 17/1.

* A/68/150.

13-41682 (E) 290813

Please recycle

Report of the Special Rapporteur on trafficking in persons, especially women and children

Summary

The present report provides a description of the activities undertaken by the Special Rapporteur from 1 August 2012 to 31 July 2013. It also contains a thematic analysis of the issue of trafficking in persons for the removal of organs, in which the Special Rapporteur specifically examines exploitation of persons who are compelled by need or force to provide organs for transplantation to people within their own countries or to foreigners. The Special Rapporteur provides a description of the problem and examines legal and policy responses at the international, regional and national levels. She then considers exploitation in transplantation as a form of trafficking in persons and the extent to which this framework provides a structure within which more effective, rights-based responses can be developed and implemented. Lastly, the Special Rapporteur offers conclusions and recommendations to States and stakeholders.

I. Introduction

1. The present report provides a description of the activities of the Special Rapporteur on trafficking in persons, especially women and children, from 1 August 2012 to 31 July 2013. The thematic focus of the report is on trafficking in persons for the removal of organs.

II. Activities of the Special Rapporteur

2. With regard to the activities carried out from 1 August 2012 to 28 February 2013, the Special Rapporteur refers to her report to the Human Rights Council at its twenty-third session (A/HRC/23/48). Her activities from 1 March to 31 July 2013 are briefly set out below.

A. Participation in events, conferences and consultations

3. On 1 March 2013, the Special Rapporteur convened the first regional consultation on the right to an effective remedy for trafficked persons, involving representatives of Eastern European States and Western European and other States, in addition to experts and relevant stakeholders. Held in Geneva, it was intended to solicit comments on the draft basic principles on the right to an effective remedy for trafficked persons in preparation for her report to the Human Rights Council at its twenty-sixth session pursuant to Council resolution 20/1.

4. On 11 March, the Special Rapporteur attended the fifty-seventh session of the Commission on the Status of Women and held, together with the Vice-Chair of the Working Group on the issue of discrimination against women in law and in practice, an interactive dialogue with the States members of the Commission. On 14 March, she convened a side event on the right to effective remedies for trafficked persons in order to present the main findings of her thematic report on the topic and to solicit suggestions from States, relevant United Nations entities, regional and intergovernmental bodies, academic institutions and civil society on the draft basic principles.

5. On 4 and 5 April, the Special Rapporteur participated in the 2013 Women in the World Summit, held in New York.

6. On 8 May, the Special Rapporteur participated in an expert meeting on the theme "Corporate responsibility to respect human rights: addressing trafficking and forced labour in supply chains". In conjunction with that event, she attended, on 9 May, a discussion on the theme "Engaging business: implementing respect for human rights", which was hosted by the Coca-Cola Company.

7. On 13 May, the Special Rapporteur participated in the high-level meeting of the General Assembly on the appraisal of the United Nations Global Plan of Action to Combat Trafficking in Persons.

8. On 21 May, the Special Rapporteur attended the twenty-fifth quadrennial congress of the International Council of Nurses, held in Melbourne, at which she discussed the impact of human trafficking on the sexual and reproductive rights of trafficked persons.

9. On 23 and 24 May, the Special Rapporteur convened a consultative meeting on strengthening partnerships with national rapporteurs on trafficking in persons and equivalent mechanisms, in Berlin, to provide an opportunity to share experiences and lessons learned and further strengthen the partnership between her mandate and such mechanisms. A total of 40 people, including national rapporteurs and representatives of equivalent mechanisms from 19 countries, in addition to representatives of relevant United Nations, international and regional organizations, participated.

10. On 28 May, the Special Rapporteur presented her thematic report to the Human Rights Council at its twenty-third session, discussing the integration of a human-rights-based approach in measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children, and that leads to human trafficking. On 27 May, she participated in a side event on clarifying the concept of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, organized by the permanent missions of Switzerland and Egypt to the United Nations Office and other international organizations in Geneva and the United Nations Office on Drugs and Crime. On 29 May, she convened, in collaboration with the Permanent Mission of Germany to the United Nations Office and other international organizations in Geneva, a side event on the theme "Human trafficking and exploitative labour in supply chains: addressing the demand and supply sides".

11. On 25 June, the Special Rapporteur made an opening statement at the thirteenth High-level Alliance against Trafficking in Persons conference. The conference, on the theme "Stolen lives, stolen money: the price of modern-day slavery", was organized by the Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings of the Organization for Security and Cooperation in Europe (OSCE).

12. On 25 and 26 June, the Special Rapporteur participated in a conference entitled "Vienna +20: advancing the protection of human rights", co-hosted by the Office of the United Nations High Commissioner for Human Rights and the Government of Austria and intended to commemorate the twentieth anniversary of the World Conference on Human Rights.

13. On 2 July, the Special Rapporteur exchanged views with the Group of Experts on Action against Trafficking in Human Beings on possible joint actions and strengthening synergy and sharing of information.

14. From 16 to 18 July, the Special Rapporteur participated in the third Latin American Congress, which had the theme "Globalization, human trafficking and access to justice: articulation of regional dialogues" and was held in Bogota.

15. On 22 July, the Special Rapporteur convened a regional consultation on the right to an effective remedy for trafficked persons, involving representatives of Latin American and Caribbean States, in addition to experts and relevant stakeholders. The consultation, held in Santiago, was intended to solicit input on the draft basic principles on the right to an effective remedy for trafficked persons.

B. Country visits

16. The Special Rapporteur visited Morocco from 17 to 21 June 2013 at the invitation of the Government. During that mission, she also visited Dakhla, Western Sahara. A full report on her visit will be submitted to the Human Rights Council at its twenty-sixth session.

17. The Special Rapporteur sent visit requests to Antigua and Barbuda, Belize and the Dominican Republic. She looks forward to receiving positive replies. She regrets that Barbados and Jamaica declined her requests to visit.

III. Thematic analysis

A. Background and context

18. The transplantation of organs from a living or deceased person into another person is a relatively new area of medical practice but one that is rapidly accelerating as a result of advances in surgery, immunology and pharmacology. Deceased persons remain the source of many organ transplants and indeed are the only possible source for certain transplants, such as those involving hearts and lungs. It is, however, increasingly possible, and in some cases preferable, to use the organs of living persons for some transplant procedures. Kidneys, for example, can be transferred from a living person, often with better results for the recipient and, in theory at least, with little harm to the donor.

19. Worldwide, there is an acute shortage of organs for transplantation, which effectively means that many people who would have benefited from such treatment will die. The mismatch between the growing demand for organ transplants and the strict limits on available supply is the root cause of many of the legal, ethical and human rights issues that arise around organ transplantation. For example, there is great debate around consent for deceased organ "donation" and even around the definition of death. In relation to both deceased and live transplantation, a key issue is the question of commercialization. The dominant view is that organs for transplantation should be a gift, generated by an act of altruism that is not distorted by incentives or payments. A money-driven market in organs is seen to benefit the rich at the expense of the poor, opening the door to greater exploitation of both the seller and the buyer. Others argue, however, that this system will never begin to satisfy the demand for transplants, that it produces wasteful inefficiencies and that it contributes to the growth of exploitative and uncontrolled shadow markets.

20. The focus of the present report is on one aspect of the broader environment sketched above: the exploitation of persons who are compelled by need or force to provide organs for transplantation to people within their own countries or to foreigners, to use the language of the Doha Communiqué of the Declaration of Istanbul Custodian Group, adopted on 14 April 2013. The terminology around this phenomenon is not settled. Some States and intergovernmental organizations claim that there is a difference between trafficking in organs and trafficking in persons for the removal of organs, with the latter a small subset of the former. The Special Rapporteur considers that the difference is largely semantic, given that organs are not moved or traded independently of their source. Rather, the source is moved or positioned in such a way as to make transplantation possible. Accordingly, it is more

accurate to characterize the practice described above as "trafficking in persons for the removal of organs".

21. The restricted scope of the present report is a reflection of the mandate of the Special Rapporteur. It also reflects an appreciation of human exploitation for the purposes of organ transplantation, primarily from living sources, as a discrete problem that requires specific solutions. It is important, however, to acknowledge that this issue cannot be fully separated from broader questions around transplantation, including those relating to equitable allocation of organs and approaches to dealing with organ shortages. The exploitation of human beings for purposes of organ transplantation is also linked to other commodification practices, such as transnational commercial surrogacy, which hold special dangers for the rights and dignity of the world's poorest and most vulnerable, and to broader questions of justice and rights that arise in the context of medical tourism.

B. Nature and scope of the problem

22. Available information on trafficking in persons for the removal of organs is incomplete and often unverified. Scholarly research in this area is not yet well developed and anecdotal reports from civil society organizations and the media remain the primary source of information. Part of the problem lies in the clandestine nature of the trafficking. Even more so than other forms of trafficking in persons, those involved in trafficking in persons for the removal of organs (including victims) have very little incentive to come forward to researchers and criminal justice authorities with information and evidence. Victims are also unlikely to be identified through the multitude of channels that are now used to identify other victims of trafficking such as those subject to forced labour or sexual exploitation. Health-care providers who end up treating persons who have obtained organs abroad may be inhibited from sharing information with the authorities owing to concerns over patient privacy, their own obligations of confidentiality, uncertainty as to whether any laws have been breached or, indeed, their own complicity in the arrangement. Furthermore, definitional problems and confusion contribute to poor reporting and analysis and render comparisons between countries and between transplantation practices extremely difficult.

23. While substantial gaps in knowledge and understanding remain, it is now well established that there are no technical or practical obstacles to trafficking in persons for the removal of organs, that this practice does in fact occur and that it is not rare. The main points of disagreement relate to the extent of the problem, the economics of the trafficking and identification of the many parties that may be implicated.

24. In 2000, the flow of organs was believed to follow the modern route of capital: from the South to the North, from the Third World to the First World, from poor to rich, from black and brown to white, and from female to male.[1] Data reviewed by the Special Rapporteur generally confirmed the key points of this assertion, except in relation to the gender aspect. The trade in organs sharply reflects economic and social divisions within and, most particularly, between countries. Recipients are generally independently wealthy or supported by their Governments or private

[1] See Nancy Scheper-Hughes, "The global traffic in human organs", *Current Anthropology*, vol. 41, No. 2 (2000), p. 193.

insurance companies. Victims are inevitably poor, often unemployed and with low levels of education, rendering them vulnerable to deception about the nature of the transaction and its potential impacts. Available information indicates that, while trafficking in persons for the removal of organs can occur within a single country, it may involve legitimate regional cooperation or, most commonly, potential recipients travelling to another country for a transplantation that would be unlawful or otherwise unavailable at home (known as "transplant tourism").[2] Intermediaries, including brokers and health-care providers, arrange the recipients' travel and recruit "donors".

25. Case studies examined by the Special Rapporteur involving victims from Eastern Europe, South America and Asia indicate that poor and often desperate individuals are lured into selling their organs on the promise of considerable payment that is almost never made in full. Many are also deceived about the nature of the procedure, the risks involved and the follow-up care required or to be provided. Debt bondage and extortion are used as forms of coercion. Passports are commonly withheld as a means of maintaining control over the movement of the victim before the operation. Efforts to back out of an agreement to sell an organ are met with violence and threats of violence. After the transplantation, organizers continue to threaten victims in order to ensure their silence. Victims are not offered adequate post-operative medical care and suffer physical and psychological harm and social exclusion.

26. While persons travelling abroad to receive purchased organs come from many countries and from all regions of the world, "a heavier reliance on overseas transplantation and transplant tourism is believed to exist in Asia and the Middle East than in other regions".[3] Recently, some countries have been identified as organ-importing, or "demand", countries in which criminal prosecutions for trafficking in persons for the removal of organs have been initiated.[4]

27. The following case study summaries provide some indication of the nature of trafficking in persons for the removal of organs and of the many countries that may be involved.

28. Some 100 illegal kidney transplants were allegedly performed at a hospital in an African country from 2001 to 2003; most of the recipients came from the Middle East. The organs were sourced from persons from Eastern Europe and South America. Investigations revealed the existence of an international organ trafficking syndicate and brought into public view a long-standing and flourishing transplant tourism business.[5]

---

[2] See D. A. Budiani-Saberi and F. L. Delmonico, "Organ trafficking and transplant tourism: a commentary on the global realities", *American Journal of Transplantation*, vol. 8 (2008), pp. 925-929.

[3] See Yosuke Shimazono, "The state of the international organ trade: a provisional picture based on integration of available information", *Bulletin of the World Health Organization*, vol. 85, No. 12 (2007), pp. 955-962.

[4] See OSCE Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings, *Trafficking in Human Beings for the Purpose of Organ Removal in the OSCE Region: Analysis and Findings* (Vienna, 2013). Available from www.osce.org/cthb/103393.

[5] See A. Nicolaides and A. Smith, "The problem of medical tourism and organ trafficking", *Medical Technology SA*, vol. 26, No. 2 (2012), pp. 33-38; Jean Allain, "Trafficking of persons for the removal of organs and the admission of guilt of a South African hospital", *Medical Law Review*, vol. 19, No. 1 (2011), pp. 117-122.

29. In April 2013, five Kosovars, including three medical practitioners, were convicted of involvement in an organ trafficking syndicate that lured poor people from the Republic of Moldova, the Russian Federation and Turkey to Kosovo to sell their kidneys and other organs to wealthy transplant recipients from Canada, Germany, Israel and the United States of America. Recipients were charged up to $130,000. Victims, including five children, were promised payments of up to $26,000 and signed false documents in which they indicated that they were engaging in an altruistic donation to a relative. Many received no compensation or inadequate medical care.[6] The European Union Rule of Law Mission in Kosovo has since announced further investigations that will target government officials allegedly involved in the syndicate.

30. There is growing evidence that Sudanese migrants making their way to Europe with the help of smugglers are allegedly being targeted for organ harvesting in Egypt. Smugglers detain them in Cairo and demand large sums of money for travel and other costs. Victims are often deceived into consenting to sell their organs or are unaware that their organs will be removed as a way of discharging the alleged debt (see A/HRC/20/30). In 2011, 57 such victims, including five children, reported a deterioration of their health and negative social, economic and psychological consequences following the experience.[7]

31. A very different picture of organ "trade" involves the harvesting by the State of organs of persons who have been or are being executed. Allegations of such practices have been levelled at a number of countries, including in East Asia, from where consistent and credible evidence has emerged.[8]

C. International responses

32. One key feature of the response to trafficking in persons for the removal of organs is its separation from the broader international movement against trafficking in persons. Initial leadership in debate and action around trafficking in persons for the removal of organs was largely provided by the medical and transplant communities, which have been central to identifying the existence of a problem and developing standards and protocols for practitioners. For example, since 1985, the General Assembly of the World Medical Association has issued a series of resolutions and guidelines in which it has condemned the human organ trade and urged Governments to take action to prevent commercial markets. It has also addressed the use of organs from executed prisoners. At the sixty-third General Assembly of the World Medical Association, held in Bangkok in October 2012, a

[6] See Dan Bilefsky, "5 are convicted in Kosovo organ trafficking", *New York Times*, 29 April 2013.

[7] See Coalition for Organ Failure Solutions, "Sudanese victims of organ trafficking in Egypt: a preliminary evidence-based, victim-centered report by the Coalition for Organ Failure Solutions" (December 2011). Available from www.cofs.org/english_report_summary_dec_11_2011.pdf.

[8] See David Matas and Torsten Trey, eds., *State Organs: Transplant Abuse in China* (Woodstock, Ontario, Seraphim Editions, 2012). See also Mingxu Wang and Xueliang Wang, "Organ donation by capital prisoners in China: reflections in Confucian ethics", *Journal of Medicine and Philosophy*, vol. 35, No. 2 (2010), pp. 197-212; and G. M. Danovitch, M. E. Shapiro and J. Lavee, "The use of executed prisoners as a source of organ transplants in China must stop", *American Journal of Transplantation*, vol. 11, No. 3 (2011), pp. 426-428.

statement on organ and tissue donation was adopted, in which the Assembly affirmed its rejection of the practice in all cases because of the impossibility of instituting adequate safeguards against coercion.

33. The Transplantation Society, an international non-governmental organization composed of physicians, surgeons and scientists involved in organ transplantation, has consistently opposed the commercialization of such procedures and issued a number of important statements on ethical issues around organ transplantation. In 2008, the Transplantation Society and the International Society of Nephrology developed a professional code of practice aimed at improving the quality and availability of organ transplantation while also addressing the key ethical issues facing practitioners. The Declaration of Istanbul on Organ Trafficking and Transplant Tourism, adopted at an international summit on transplant tourism and organ trafficking convened by the Transplantation Society and the International Society of Nephrology in Istanbul, Turkey, from 30 April to 2 May 2008, has exerted significant influence over responses at the national, regional and international levels. The language of the Declaration is unequivocal with regard to trafficking in persons for the removal of organs, stating in its principle 6 that "organ trafficking and transplant tourism violate the principles of equity, justice and respect for human dignity and should be prohibited". It goes on to affirm that transplant commercialism should be prohibited because it "targets impoverished and otherwise vulnerable donors [and] leads inexorably to inequity and injustice".

34. The United Nations has also been active in debates and setting standards regarding trafficking in persons for the removal of organs, most particularly through the World Health Organization (WHO), which has issued a series of resolutions and guidelines on the subject, the most recent being the WHO guiding principles on human cell, tissue and organ transplantation, endorsed in 2010 by the sixty-third World Health Assembly in its resolution 63.22. Among other things, they stipulate that the human body and its parts are not to be the subject of commercial transactions and, in guiding principle 5, that "purchasing, or offering to purchase, cells, tissues or organs for transplantation, or their sale by living persons or by the next of kin for deceased persons, should be banned".

35. Trafficking in persons for the removal of organs and the related practices discussed herein have not been a central concern for the international human rights system. Only the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography explicitly addresses the issue by, under article 3 (1)(a)(i)(b), prohibiting the transfer of the organs of a child for profit. The Committee on the Rights of the Child has addressed the sale of organs in its consideration of national reports and the Special Rapporteur on the sale of children, child prostitution and child pornography has also raised concerns. The use of organs from executed prisoners in transplantation programmes in East Asia has attracted more focused attention from some parts of the human rights system, including the Committee against Torture.

36. The most significant international treaty on the subject, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, includes removal of organs as a form of exploitation associated with trafficking. Other features of the definition that link transplantation-associated exploitation are the acknowledgement of consent as being irrelevant when any of

the stipulated means are used to secure recruitment, transfer, etc., and the list of means itself, which includes fraud, coercion and abuse of a position of authority.

D. Regional responses

37. With a few exceptions, regional intergovernmental responses to trafficking in persons for the removal of organs have been limited to the European system. Those responses have generally been on two tracks that mirror developments elsewhere: responses that have focused on trafficking in organs and responses that have included organ removal within definitions and instruments dealing with trafficking in persons. In relation to the second category, it should be noted that the major specialist instruments dealing with trafficking in persons within Europe (the Council of Europe Convention on Action against Trafficking in Human Beings and Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA) both include organ removal as a form of trafficking-related exploitation. In relation to the first category, the Council of Europe has been especially active. The Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine articulated many of the principles affirmed in other instruments, including, in article 21, that "the human body and its parts shall not, as such, give rise to financial gain". An additional protocol to the Convention concerning transplantation of organs and tissues of human origin, adopted in 2001, extended its provisions to many issues associated with organ and tissue transplantation, including a prohibition on the (undefined) practice of organ trafficking. It has been noted that the practice infringes human rights, exploits vulnerable persons and undermines public trust in the transplant system.[9] Consideration of this issue was extended in 2003 when the Parliamentary Assembly issued a recommendation on trafficking in organs in Europe.

38. Subsequent study and research within the Council of Europe led to the conclusion that there were important loopholes in the international legal framework that were insufficiently addressed by existing instruments dealing with trafficking in persons.[9] That conclusion led to the development in 2013 of a draft Council of Europe convention against trafficking in human organs. The draft convention is intended to prevent and combat trafficking in human organs by providing for the criminalization of specific acts, protecting the rights of victims and facilitating national and international cooperation on the issue. The Special Rapporteur's analysis of the provisions and the explanatory documentation confirms the potential importance of this instrument, but indicates a number of potential issues of concern, including questions around the non-definition of trafficking in organs and the relative weakness of provisions relating to victim protection and support in comparison with those available to victims of trafficking under existing international law, including the Council of Europe Convention on Action against Trafficking in Human Beings.

[9] See United Nations and Council of Europe, "Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs" (Strasbourg, 2009). Available from www.coe.int/t/dghl/monitoring/trafficking/docs/news/organtrafficking_study.pdf.

E. National responses

39. National legal frameworks governing organ transplantation can be extremely complex, addressing a wide range of matters, many of which affect, directly or indirectly, trafficking in persons for the removal of organs. The main issues are briefly described below.

40. **Prohibition of commercialism (buying, selling and financial gain)**. The international and regional standards mentioned above, which unanimously advocate prohibition of the buying and selling of human organs, have been incorporated by most countries into national law. The Islamic Republic of Iran runs a system of regulated, paid living and deceased organ donation that provides the notable exception.[10] In countries that prohibit the sale of organs, donors may nevertheless receive limited compensation, which is not considered payment. Some countries, such as the United States, reimburse some expenses and give grants for programmes to increase donations and effective transplant process.[11] Other countries, including Israel and Singapore, have gone much further in incentivizing donation, for example by according priority for transplantation to persons on the national donor registry.[12]

41. **Prohibition of transplant tourism**. While the sale and purchase of organs is almost universally prohibited, these laws typically apply only to, or are enforced only in respect of, conduct within the territory or under the jurisdiction of the legislating State. In some countries, this is because the laws themselves do not extend to extraterritorial conduct. In other countries, criminal jurisdiction may, in principle, extend to the conduct of a national abroad but is rarely, if ever, applied in this way. The result is similar in both situations: recipients of illicitly obtained organs are almost never prosecuted by their country of origin or indeed by any other country.[13] The importance of attaching extraterritorial provisions to national laws has been noted and bills to this effect have been put before parliaments in several countries. Prohibition of transplant commercialism in countries of destination will generally amount to a ban on transplant tourism. Some countries of destination have put in place additional legislative measures aimed at combating transplant tourism (for example, restricting participation in official transplantation programmes to nationals). The imposition of such a measure in the Philippines is reported to have cut off a critical link to a transplant tourism market based on poverty and corruption and shifted government attention to preventing kidney disease and encouraging deceased donations (see A/HRC/23/48/Add.3).

[10] See Ahad J. Ghods and Shekoufeh Savaj, "Iranian model of paid and regulated living-unrelated kidney donation", *Clinical Journal of the American Society of Nephrology*, vol. 1, No. 6 (2006), pp. 1136-1145; Anne Griffin, "Iranian organ donation: kidneys on demand", *British Medical Journal*, vol. 334, No. 7592 (2007), pp. 502-505.

[11] See United States, Organ Donation and Recovery Improvement Act, Public Law No. 108-216 (5 April 2004).

[12] See Singapore, Human Organ Transplantation Act (1987, amended 2009). On Israel, see Gabriel M. Danovitch and others, "Organ trafficking and transplant tourism: the role of global professional ethical standards — the 2008 Declaration of Istanbul", *Transplantation*, vol. 95, No. 11 (2013), pp. 1306-1312.

[13] That situation is part of a broader trend that is well captured by OSCE in its recent report: "When places of THB/OR are discussed, the focus generally falls on the locus of transplant surgeries and the country of the organ donors." OSCE Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings, *Trafficking in Human Beings for the Purpose of Organ Removal in the OSCE Region*, p. 45.

42. **Prohibition of trafficking in persons for removal of organs**. States parties to the Trafficking in Persons Protocol, of which there are currently 157, are required to criminalize trafficking of persons for a range of purposes, including for organ removal. Most countries have enacted such laws, but not all have included trafficking in persons for the removal of organs within their scope. It is relevant to note that, within national legislation, the offence of trafficking in persons often has a broad jurisdictional basis that enables prosecution for offences occurring outside the country involving a citizen as either a victim or a perpetrator, thereby opening up a potential avenue to prohibit and prosecute practices relating to transplant tourism. The offence may bring such practices within the operation of other national laws, such as those relating to transnational organized crime, corruption and money laundering.[14] Conduct relating to trafficking in persons for the removal of organs may also be subject to prosecution through the application of criminal laws dealing with matters such as assault, fraud and falsification of identity or travel documentation.[15]

43. **Enforcement of trafficking in persons for the removal of organs and related laws**. There is little information available on prosecutions for trafficking in persons for the removal of organs and related offences, although what information is available appears to confirm that the number of such prosecutions is extremely low.[16] It is certainly the case that the enforcement of laws around trafficking in persons for the removal of organs and related offences does not appear to be a high priority for most Governments or national criminal justice agencies. Recent high-profile prosecutions may indicate a shift in this situation, although that remains to be confirmed. Enforcement problems are not unique to trafficking in persons for the removal of organs. It is well established that, as a general crime type, trafficking in persons is extremely difficult to investigate and prosecute successfully.[17] There is, however, some indication that trafficking in persons for the removal of organs appears to present special and additional difficulties: victims have very little incentive to cooperate with criminal justice authorities and may themselves be liable to prosecution. In addition, the protection now available to many victims of trafficking aimed at encouraging such cooperation is rarely, if ever, extended to victims of trafficking in persons for the removal of organs. Law enforcement authorities lack expertise and awareness and the complexity of transnational networks operating in this area challenges even the most sophisticated agencies. Of course, prosecutions are only one measure of success. In some countries, new laws aimed at preventing trafficking in persons for the removal of organs may have

[14] For example, in the United Kingdom of Great Britain and Northern Ireland, part 7 of the Proceeds of Crime Act (2002) criminalizes money-laundering, but policy guidance by the Crown Prosecution Service for prosecuting cases of human trafficking, published in May 2011, indicates that trafficking, and organ trafficking specifically, is considered a "lifestyle offence" under that part.

[15] OSCE Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings, *Trafficking in Human Beings for the Purpose of Organ Removal in the OSCE Region*, pp. 35 and 36.

[16] See F. Ambagtsheer and W. Weimar, "A criminological perspective: why prohibition of organ trade is not effective and how the Declaration of Istanbul can move forward", *American Journal of Transplantation*, vol. 12, No. 3 (2012), pp. 571-575.

[17] See Anne Gallagher and Paul Holmes, "Developing an effective criminal justice response to human trafficking: lessons from the front line", *International Criminal Justice Review*, vol. 18, No. 3 (2008), pp. 318-343.

positively influenced this situation without the benefit of substantial prosecutions. In other countries, however, the enactment of laws banning commercialization of transplantation and other practices relating to trafficking in persons for the removal of organs appears to have had little impact.[18]

44. **Regulation of live organ donation**. It is well established that trafficking in persons for the removal of organs is often disguised as altruistic donation.[19] Many countries that operate a live donor programme based on altruism stipulate that there must be some form of relationship between the donor and the recipient. For example, in India, the Transplantation of Human Organs Act of 1994 allows, under section 9 (3), donations of organs between unrelated donors "by reason of affection or attachment towards the recipient". This is judged by one of several authorization committees, which include physicians, academics and people with "high integrity, social standing and credibility", as stated in section 6 of the Transplantation of Human Organs Rules, adopted in 1995. In Greece, a law on organ transplants passed in 2011 further broadened the scope of living donors to include "any person with which the patient has a personal relationship and is emotionally connected". Judicial permission is necessary in this case, and the judge must confirm "the validity and depth" of the relationship between donor and patient to ensure that the donation is truly altruistic.[20] In Germany, article 8 (1) of the Transplantation Act of 1997 permits live organ donations only between family members with "an extremely close degree of kinship".

45. **Regulation of deceased organ donation**. The way in which deceased organ donations are regulated can also affect trafficking in persons for the removal of organs. For example, it is argued that the opting-out system, whereby persons are presumed to have consented to donation unless otherwise indicated, will increase the number of organs available for transplantation, thereby reducing the various incentives that feed trafficking in persons for the removal of organs. It is important to note, however, that these approaches also carry risks with regard to the rights of vulnerable persons. For example, studies have found that such laws penalize the poor and illiterate, who lack the time, resources and knowledge to actively opt out.[21] Presumed consent laws could also encourage the withholding of life-saving measures from unprotected persons.

F. Importance of linking trafficking in persons for the removal of organs to trafficking in persons

46. Outside of the rules and standards that apply to trafficking in persons, the international legal framework around many of the practices examined herein is

[18] See Farhat Moazam, "Pakistan and kidney trade: battles won, battles to come", *Medicine, Health Care and Philosophy* (December 2012).

[19] See Tazeen H. Jafar, "Organ trafficking: global solutions for a global problem", *American Journal of Kidney Diseases*, vol. 54, No. 6 (2009), pp. 1145-1157.

[20] See Maria Bottis, "The new Greek statute on organ donation — yet another effort to advance transplants", *European Journal of Health Law*, vol. 19, No. 4 (2012), p. 393.

[21] See Sheri R. Glaser, "Formula to stop the illegal organ trade: presumed consent laws and mandatory reporting requirements for doctors", *Human Rights Brief*, vol. 12, No. 2 (2005), p. 22. For a consideration of how these concerns have played out in Brazil, see J. Andrew Hughes, "You get what you pay for? rethinking US organ procurement in light of foreign models", *Vanderbilt Journal of Transnational Law*, vol. 42 (2009), pp. 365-366.

extremely weak. For example, as shown above, there is no clear international prohibition against transplant tourism and very few States have succeeded in legislating effectively in the area. Commercialization of transplantation is subject to strong censure by WHO and professional groups and has been banned by many countries, but international law is silent on this issue. This lacuna creates gaps and weaknesses that prevent strong national responses, inhibit cross-border and international cooperation and obscure the very real human rights issues that lie at the heart of transplantation-related exploitation.

47. The identification of removal of organs as an exploitative purpose of trafficking in persons is a major step forward in changing this unsatisfactory situation. The opportunities presented by the development of a robust international legal framework around trafficking in persons have not yet been fully taken up, however. One of the principal reasons for the failure to leverage the trafficking in persons framework against transplantation-related exploitation is the persistent attachment of some States and intergovernmental organizations to a distinction between trafficking in organs and trafficking in persons for removal of organs. As shown above, this distinction is largely unjustified because the principal issue of focus, the exploitation of persons who are compelled by need or force to provide organs for transplantation to people within their own countries or to foreigners, falls squarely within the international legal definition of trafficking in persons.

48. This is confirmed by many of the case studies examined by the Special Rapporteur that meet the following three elements of the crime and human rights violation of trafficking in persons: the act (individuals were recruited, harboured and/or received, often also transported and transferred); the means (the acts were secured through fraud (relating to payment, effects, follow-up care, etc.), sometimes also through force and coercion, often through abuse of a position of vulnerability); and the purpose (the acts were undertaken for purposes of exploitation by removal of an organ). It is certainly possible that some of the cases may fall within the various non-legal and non-binding conceptions of trafficking in organs. There can be no doubt, however, that they are, first and foremost, situations of trafficking in persons. Critically, provided that one or more of the means are established, whether victims have consented to the procedure or have received payment for undergoing the procedure is irrelevant.

49. As has been noted previously, characterizing practices such as organ commercialization or transplant tourism as trafficking in persons for the removal of organs has a substantial effect on the nature of State obligations and on individual rights that arise as a result of those obligations. For example, States parties to the Trafficking in Persons Protocol are, pursuant to article 5, under a clear international legal obligation to criminalize trafficking in persons for the purpose of removal of organs as well as attempting, participating in, organizing and directing other persons in the commission of trafficking in persons for the purpose of removal of organs. They are also required to establish liability in respect of both natural persons and legal persons, thereby extending the reach of criminal and civil law to the medical and other establishments that are so often involved in trafficking in persons for the removal of organs.

50. The legal framework around trafficking in persons can also be effectively leveraged to tackle the phenomenon of transplant tourism by extending the jurisdictional reach of national criminal laws. While a State party to the Trafficking

in Persons Protocol is required to exercise jurisdiction over trafficking in persons for the removal of organs when the offence is committed in its territory (see art. 15 (1) of the United Nations Convention against Transnational Organized Crime), it may choose to extend that jurisdiction to situations where the offence is committed outside its territory against or by one of its nationals (see art. 15 (2)). Other central obligations that derive from both the Protocol and the Convention include an obligation to provide appropriate assistance to and protection of victims, including measures for physical, psychological and social recovery (art. 6); an obligation to establish policies, programmes and other measures to prevent and combat trafficking and protect victims (art. 9); an obligation of cross-border cooperation between law enforcement agencies and an obligation on States to strengthen capacity for such cooperation (art. 10); and an obligation to strengthen border controls to prevent and detect trafficking in persons for the removal of organs (art. 11).

G. Human-rights-based response to trafficking in persons for the removal of organs

51. The broader legal framework around trafficking in persons includes international human rights law. The importance of a rights-based and victim-centred approach to trafficking in persons has been well established and the parameters of such a response have been fleshed out in detail in the reports of the Special Rapporteur to the Human Rights Council and the General Assembly (see A/65/288 and A/HRC/20/18) and in the Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1). Very little attention has been paid, however, to how such a response would be developed and applied in the context of trafficking in persons for the removal of organs. In general, it appears that the procedures and approaches developed to date do not take full account of the particularities of trafficking in persons for the removal of organs, including the needs of victims. This state of affairs has contributed to marginalization of victims and their rights, including within broader policy discussions around transplantation and transplantation-related exploitation.

52. For example, it is well established that failure to swiftly and accurately identify victims of trafficking effectively denies those persons the rights to which they are entitled. Victims of trafficking in persons for the removal of organs are almost never identified.[22] As understanding of trafficking in persons for the removal of organs improves, the reasons why are becoming clear. Such trafficking is a highly clandestine activity with little opportunity for public exposure. Victims may not perceive themselves as such, in particular if they have broken laws by engaging in an agreement to sell an organ. They often fear stigmatization and will hide the fact of their surgery, even from close family members. A further challenge to identification lies in the fact that, unlike other forms of trafficking, trafficking in persons for the removal of organs is essentially a one-off event that can often be completed within a very brief period, reducing the opportunity for detection.

[22] See *Global Report on Trafficking in Persons 2012* (United Nations publication, Sales No. E.13.IV.1), p. 12 ("trafficking for the removal of organs ... comprised 0.2 per cent of the total number of detected cases in 2010").

53. The obligation of active identification in this context will require States to, at a minimum, undertake national-level assessments of the problem with a view to ascertaining where victims (and potential victims) may be located and how they could be identified. There is also a clear need for States to examine existing procedures and protocols that relate to the identification of victims of trafficking in order to ensure their relevance and effectiveness with regard to trafficking in persons for the removal of organs. A similar need exists at the international level, given that the general invisibility of trafficking in persons for the removal of organs is reflected in many of the tools and mechanisms developed to support the identification of victims of trafficking.

54. The nature of trafficking in persons for the removal of organs also presents specific challenges in relation to victim protection and support that may not be met through conventional approaches. Victims have almost inevitably suffered serious physical injury and are also likely to be psychologically and emotionally traumatized. Social and religious stigma may exacerbate such trauma. Victims may also be in danger of retaliation from brokers and others involved in organizing their surgery. The nature of that intimidation may reflect the very particular nature of their exploitation, such as threats to withhold medical care or of humiliating public exposure.

55. Unfortunately, very few service providers working with victims of trafficking have any contact with, or knowledge of, victims of trafficking in persons for the removal of organs. This state of affairs has contributed to a situation where such victims largely remain "undetected, unidentified, without access to support, assistance and protection measures ... [with] no access to fundamental human rights".[23] It is unsurprising that the way in which victim support services have been developed for trafficked persons will not necessarily make them suitable or adequate for victims of trafficking in persons for the removal of organs. For example, victims will have long-term and immediate medical needs. They can expect to suffer gradual deterioration of their health and possibly a lifetime of financial disadvantage. No State currently has mechanisms and procedures in place to meaningfully respond to this level of need. Very few civil society organizations are working with and for victims of trafficking in persons for the removal of organs and those involved in this area report needs that go well beyond their capacity to meet.

56. Trafficked persons, including those who have been subject to trafficking in persons for the removal of organs, have the right to remedies for the harms committed against them. This right establishes a corresponding obligation on all States directly or indirectly implicated in the trafficking-related harm to provide access to such remedies. The Special Rapporteur has examined various ways in which the right to a remedy may arise, its substantive content and the associated procedural rights that are necessary for its realization (see A/HRC/17/35).

57. It is one thing to recognize a right to a remedy and quite another to ensure access to that right. The very low rate of victim identification in cases of trafficking in persons for the removal of organs means that the overwhelming number of persons who have suffered this harm will never be able to gain access to their legal entitlement to a remedy. The first and primary responsibility of States must therefore

[23] OSCE Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings, *Trafficking in Human Beings for the Purpose of Organ Removal in the OSCE Region*, p. 51.

be to work towards ensuring that victims of trafficking in persons for the removal of organs are swiftly and accurately identified. Even for victims who are identified as such however, obstacles to access to remedies are likely to be formidable. For example, many victims who have travelled to another country for surgery will not be identified until after they have returned, rendering it extremely difficult to secure restitution or compensation from or through the country in which the exploitation occurred. Such difficulties can be compounded by the fact that most victims are disempowered through poverty and illiteracy. Measures such as providing access to information and legal assistance, in addition to cross-border cooperation in relation to legal processes, will be crucial to making effective the right to a remedy for victims of trafficking in persons for the removal of organs.

58. It has been noted that victims of trafficking in persons for the removal of organs can be subject to criminal sanction, typically relating to their violation of a law that prohibits the sale of organs or that otherwise restricts the categories of persons permitted to donate an organ for transplantation. Victims could, however, also be criminalized for other status-related offences, such as irregular migration, document forgery and fraud. Criminalization is the antithesis of a victim-centred approach and invariably results in trafficked persons being denied the rights to which they are entitled under international law, including to assistance and protection and the right of access to remedies.[24] The Special Rapporteur has repeatedly endorsed the position that victims of trafficking should not be subject to criminalization for crimes that they have been compelled to commit (including through abuse of their position of vulnerability). In her view, this standard applies equally to victims of trafficking in persons for the removal of organs.

59. A rights-based approach to prevention of trafficking in persons for the removal of organs is of critical importance in view of the many complex and controversial issues raised by this particular form of exploitation. In developing strategies to address vulnerability and root causes, it will be important to cultivate stronger understanding of how trafficking in persons for the removal of organs happens and why. For example, information, awareness-raising and educational campaigns would appear to have special applicability in cases where exploitation is often made possible through misinformation. Prevention also requires measures to tackle the current high levels of impunity that exist around trafficking in persons for the removal of organs. States are obliged to develop a strong legal and regulatory framework and to take the steps necessary to establish an effective criminal justice response that targets those involved in the exploitation. The key elements of an effective criminal justice response to trafficking in persons have been identified.[25] It will be important to review these elements for their applicability to the very specific features of the crime of trafficking in persons for the removal of organs. For example, the requirement of a strong investigatory capacity will demand that law enforcement officials be made aware of trafficking in persons for the removal of organs and develop a capacity to identify both victims and perpetrators. While international cooperation is important in many trafficking cases, it is particularly

[24] See principle 7 of the Recommended Principles and Guidelines on Human Rights and Human Trafficking. See also OSCE, *Policy and Legislative Recommendations towards the Effective Implementation of the Non-punishment Provision with regard to Victims of Trafficking* (Vienna, OSCE Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings, 2013). Available from www.osce.org/cthb/101002.

[25] See Gallagher and Holmes, "Developing an effective criminal justice response".

critical in cross-border cases of trafficking in persons for the removal of organs where effective enforcement of national laws will often require information and evidence from other countries. The involvement of medical professionals in trafficking in persons for the removal of organs (as offenders, first-line responders and in a preventive capacity) must also be carefully considered in terms of developing appropriate preventive strategies.

60. The question of demand in the context of trafficking in persons is a vexed one (see A/HRC/23/48). The issue raises particular complexities in the case of trafficking in persons for the removal of organs. As noted above, demand for organs has grown through a confluence of factors and will probably never be met through a system of altruistic donations from deceased and live donors. It is therefore dangerous to develop policy responses on the basis that the only long-term solution to trafficking in persons for the removal of organs lies in an expansion of supply to meet demand. Human-rights-based examination of this debate, including calls for a regulated market in organs, is well overdue. While that issue is beyond the scope of the present report, some preliminary conclusions can be drawn. First and most importantly, it can be safely asserted that the focus of such an analysis would be squarely on the rights of the potential victim. A human-rights-based approach would seek to identify those approaches to transplantation that offer the best chance of protecting vulnerable persons from exploitation and that best support the core human rights principles of non-discrimination and equality. Such an approach would also probably be extremely critical of the unequal power relations that almost inevitably exist between "donors" and recipients, as well as between "donors" and those who profit financially from transplantation surgery. Such an approach would further view socioeconomic conditions as determinants for organ removal with great concern.

IV. Conclusions and recommendations

61. **Trafficking in persons for the removal of organs is, first and foremost, a violation of human rights. All States have an international legal obligation to prevent it, to prosecute offenders and to protect and assist victims. This obligation arises through the application of specialist trafficking in persons laws and through international human rights law.**

62. **The international legal framework around trafficking in persons for the removal of organs also provides important guidance for navigating the larger ethical and policy issues around transplantation and transplantation-related exploitation. For example, it can be convincingly argued that international human rights law and a rights-based approach support a complete rejection of all forms of transplant commercialism because of the inherent and ultimately unmanageable risks of exploitation. A human-rights-based approach will also accord priority to equality and non-discrimination over other considerations when it comes to developing responses to organ shortages and establishing criteria for equitable allocation of organs.**

63. **A survey of the legal and policy environment surrounding trafficking in persons for the removal of organs confirms that a lack of clarity around some key questions is hampering progress in efforts to combat this particularly egregious human rights violation. Most significantly, the Special Rapporteur**

has concluded that the distinction between trafficking in persons for removal of organs and trafficking in organs is generally unhelpful. Certainly, there is an urgent need to ensure that laws on trafficking in persons for the removal of organs are supplemented by the effective criminalization of all related offences that may be implicated in such cases but that may not readily or easily fall within the three-element umbrella definition of trafficking in persons. To that extent, the draft Council of Europe convention against trafficking in human organs represents a potentially important contribution to fleshing out the legal framework around trafficking in persons for the removal of organs and ensuring that all persons complicit in such offences do not escape liability. Case-based experience confirms, however, that the trade in organs is inextricably linked to actions against individuals aimed at their exploitation. There lies great danger in removing the individual victim from this picture by separating out the concept of trafficking in organs from the concept of trafficking in persons for the removal of organs.

64. There is also a risk that the development of a parallel legal regime for trafficking in organs will undermine the effectiveness of the extremely comprehensive legal regime that has been developed around trafficking in persons. Certainly, research conducted for the present report confirmed that the very robust and comprehensive set of rules and standards that apply to trafficking in persons for the removal of organs are not fully appreciated and are not being fully utilized. For example, as victims of trafficking in persons, those who have been subject to trafficking in persons for the removal of organs are entitled to a wide range of identification, assistance and protection rights that would not otherwise be available to them. The identification of transplantation-related exploitation as trafficking in persons for the removal of organs also imposes substantial and wide-ranging obligations on States with regard to criminalization and international legal and operational cooperation.

65. This duality of regimes is the product of historical factors and the distinct sets of skills and experiences that have shaped various aspects of our understanding of, and response to, trafficking in persons for the removal of organs. There is a clear need to bring together the circle of transplant surgeons, cultural anthropologists and health and human rights activists "who have developed remarkable knowledge" on trafficking in persons for the removal of organs within the circle of experts and practitioners working on trafficking in persons.[26]

66. When considering responses to trafficking in persons for the removal of organs, it is important to acknowledge the disproportionate burden that is placed on less-wealthy countries in relation to all aspects of the problem and its response. It is from those countries that most, if not all, victims originate and it is largely within less-developed countries that trafficking in persons for the removal of organs, including associated transplantation procedures, is actually conducted. Relatively wealthier countries are often the source of demand for trafficking in persons for the removal of organs. They do not bear the costs incurred to victims and are rarely the focus of calls for investigation and

[26] OSCE Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings, *Trafficking in Human Beings for the Purpose of Organ Removal in the OSCE Region*, p. 57.

prosecution. A human-rights-based approach requires a review of this situation and more equitable sharing of the burden of victim protection and support, in addition to legal and criminal justice responses.

67. **Below, the Special Rapporteur offers recommendations to States, medical and transplantation professionals and the international community.**

Legal and policy framework

68. **All States should ensure that the term "removal of organs" is included within their national legal definition of trafficking in persons and that "consent" to removal of organs is vitiated by any of the accepted means, including abuse of a position of vulnerability.**

69. **All States should also review the broader legal framework around transplantation-related exploitation to ensure, at a minimum, that related offences are fully and effectively criminalized and appropriately penalized. Such related offences include but are not limited to removal of an organ from a living or deceased donor without consent; removal of an organ from a living or deceased donor for financial gain or other advantage; the use of organs removed in such ways; and any form of advertising of a service relating to illicit removal and use of an organ.**

70. **All States should prohibit, absolutely and unconditionally, the removal of organs from executed prisoners and further prohibit the "donation" of organs by persons in official custody.**

71. **The national legal framework should clearly identify criminal responsibility, ensuring that it extends to intermediaries, brokers, medical and transplant staff and technicians who are involved in trafficking in persons for the removal of organs.**

72. **National legislation should include an obligation on medical personnel to notify authorities when they become aware of cases or potential cases of trafficking in persons for the removal of organs, with appropriate attention to issues of confidentiality and risks in cases of official complicity. This obligation should extend to medical staff involved in the provision of follow-up care to recipients.**

73. **The national legal framework should provide for both civil and criminal liability of legal persons, such as pharmaceutical and insurance companies and medical establishments, for involvement in trafficking in persons for the removal of organs.**

74. **All States, in particular countries of "demand", should take steps to ensure that the jurisdictional reach of their laws relating to trafficking in persons for the removal of organs enables the effective prosecution and punishment of related offences involving their nationals. For countries requiring specific legislation, this would be most effectively secured through laws that extend the national legislative prohibition on trafficking in persons for the removal of organs and related offences extraterritorially, irrespective of the legal status of the relevant acts in the country in which they occur. Extraterritorial legislation developed to combat child sex tourism and similarly situated offences can provide a useful model in this regard.**

75. **All States, in particular source countries for trafficking in persons for the removal of organs, should take legislative steps to prevent trafficking in persons for the removal of organs by way of transplant tourism through measures such as imposing restrictions on transplantation for foreign nationals, ensuring genuine transparency in the allocation of organs for transplantation and in the conduct of transplantations and preventing commercialization of transplantation.**

76. **All States should review laws and policies around transplantation to ensure that there are no gaps or incentives that would encourage or facilitate trafficking in persons for the removal of organs. For example, it is well established that permitting live transplantation from unrelated donors carries particular risks of exploitation, as does providing incentives to "donors" that go beyond reimbursement of genuine costs.**

77. **All States, in particular countries of "demand", should ensure that funding of, or reimbursement for, the costs of transplant tourism (whether by private health insurers, public health funds or travel insurers) is prohibited.**

78. **All States should take steps to ensure that trafficking in persons for the removal of organs is fully and appropriately incorporated into national policies on trafficking in persons, including national action plans and national coordination and response mechanisms.**

79. **All States should ensure that their reporting systems on trafficking in persons include trafficking in persons for the removal of organs as a distinct category.**

Victim identification, protection and support

80. **States have an obligation to take proactive measures to identify victims and potential victims of trafficking in persons for the removal of organs. Experience has shown that this will always require a proactive approach that includes direct outreach to at-risk communities.**

81. **Discharging the obligation of identification will also require States to review existing victim identification procedures, protocols and practices and revise them as necessary to reflect the particular situation of victims of trafficking in persons for the removal of organs, including challenges of identification that are unique to this form of exploitation. Further steps would include ensuring that those in a position to identify victims (such as medical professionals and front-line law enforcement officials) have the technical capacity to do so effectively and that structures and procedures are in place to support such identification.**

82. **All victims of trafficking in persons for the removal of organs have a right to immediate protection from further harm and to the necessary medical, psychological and other support. States should review existing procedures, protocols and practices of protection and assistance to victims of trafficking with a view to ensuring that these meet the particular needs of victims of trafficking in persons for the removal of organs, for example in relation to provision of follow-up medical care. States should develop specialized protection, assistance and support services for victims of trafficking in persons**

for the removal of organs to the extent that such are required to meet their needs.

83. **States should support the development of civil society capacity to work with and support victims of trafficking in persons for the removal of organs, including with regard to meeting longer-term needs for employment and medical care.**

84. **States should ensure that victims of trafficking in persons for the removal of organs are not prosecuted or punished for offences that relate to their having been trafficked, such as violation of laws relating to sale of organs.**

Victim access to justice

85. **States have an obligation to provide victims of trafficking in persons for the removal of organs with access to justice. To that end, States should ensure that victims have an enforceable right to legal assistance and that they are able to participate in the investigation and prosecution of their exploiters. Victims who are witnesses in criminal proceedings should receive special protection and support.**

86. **States should ensure that victims of trafficking in persons for the removal of organs have a legally enforceable right of access to remedies for the crimes and human rights violations that they have suffered. Remedies should reflect the nature and impact of the harm that has been committed against victims, including health-care costs and the long-term negative impact on their capacity to earn a living.**

Criminal justice responses

87. **Criminal justice responses to trafficking in persons for the removal of organs are an essential aspect of a rights-based response, i.e. addressing the impunity of exploiters and seeking to secure justice for victims.**

88. **All States, including States of demand, have an international legal obligation to investigate and prosecute cases of trafficking in persons for the removal of organs with due diligence. To discharge this obligation, States must ensure that their criminal justice agencies are aware of the issue and that they have the capacity and resources to respond effectively thereto.**

89. **States should review current mechanisms and procedures for investigating and prosecuting cases of trafficking in persons with a view to determining their suitability for cases of trafficking in persons for the removal of organs and the need for any adaptation. This should include a review of mechanisms and procedures for supporting the involvement of victims as witnesses.**

90. **States of demand and States of supply should develop networks, systems and mechanisms to exchange information and experiences and, more specifically, to support operational cooperation in the identification of victims and legal cooperation in the investigation and prosecution of cases of trafficking in persons for the removal of organs.**

Prevention and demand

91. **All States should work with the media and civil society, including the medical and transplant communities, to raise awareness of trafficking in persons for the removal of organs among potential target populations, including awareness of the risks involved in both selling and buying organs. In that regard, States should recognize the significant role that can be played by physicians in identifying and deterring trafficking in persons for the removal of organs and related practices, including transplant tourism.**

92. **States should cooperate with the national medical and transplant community to ensure that practitioners are aware of their legal obligations and to promote the development of an ethical culture around transplantation.**

93. **States should further cooperate with the national medical and transplant community in developing effective and transparent systems for transplantation supported by robust systems of oversight and reporting.**

94. **States should continue to reject all forms and avenues of commercialization of transplantation as a means of addressing demand-fuelled exploitation on the grounds of human rights concerns, including threats to basic principles of equality and non-discrimination.**

95. **Longer-term prevention strategies, including strategies to promote altruistic organ donation and ensure national self-sufficiency, should be developed within a strong human rights framework and with full attention paid to the need to avoid exploitation of all persons, including those who are especially vulnerable as a result of their economic and/or social situation.**

Improving data

96. **States should institute systems to collect information about trafficking in persons for the removal of organs and to share that information with other States and the international community. They should actively support innovative efforts by professional bodies and civil society to improve current understanding of the nature and extent of trafficking in persons for the removal of organs.**

Strengthening the international response

97. **Many of the tools and resources available to support stronger responses to trafficking in persons, including training materials and identification protocols, were developed when the modalities of trafficking in persons for the removal of organs were poorly understood and the extent not fully appreciated. International organizations, including the United Nations, should review these materials with a view to ensuring their application to the specific problem of trafficking in persons for the removal of organs.**

98. **International organizations working on trafficking in persons should consider developing special training materials and other resources for medical professionals who may be exposed to trafficking in persons for the removal of organs. These resources should aim to educate medical professionals about their legal and ethical obligations, ensure that they are familiar with existing**

codes of professional practice and provide them with guidance on responding to cases or potential cases of trafficking in persons for the removal of organs.

99. **The international human rights system, including the treaty bodies, should be encouraged to take up the issue of trafficking in persons for the removal of organs where this is warranted. In this regard, it is important to ensure that the laws, policies and practices of countries of demand and of countries of supply are subject to examination from the perspective of international human rights laws.**

100. **The development of new international legal regimes around trafficking in persons for the removal of organs should be based on a thorough review of the strengths and weaknesses of existing international legal regimes and seek to add substantive value to those regimes, while avoiding confusion and unnecessary duplication. It will be particularly important to ensure that new instruments, such as the proposed Council of Europe convention against trafficking in human organs, do not place victims in a less favourable position than they would otherwise be in under existing legal instruments dealing with trafficking in persons.**

United Nations A/68/257

General Assembly

Distr.: General
2 August 2013

Original: English

Sixty-eighth session
Item 65 (a) of the provisional agenda*
Promotion and protection of the rights of children

Status of the Convention on the Rights of the Child

Report of the Secretary-General

Summary

The General Assembly, by its resolution 44/25, adopted the Convention on the Rights of the Child. As at 1 July 2013, the Convention had been ratified or acceded to by 193 States. By its resolution 54/263, the Assembly adopted two Optional Protocols to the Convention. As at 1 July 2013, the Optional Protocol on the involvement of children in armed conflict had been ratified by 151 States and the Optional Protocol on the sale of children, child prostitution and child pornography had been ratified by 163 States. The third Optional Protocol to the Convention, adopted by the Assembly by its resolution 66/138, is awaiting entry into force. Pursuant to Assembly resolution 67/152, the focus of the present report is the implementation of the priority themes of the resolution entitled "Rights of the child" from its sixty-first to sixty-fifth sessions. This includes: progress that has been achieved and challenges that remain with regard to children and poverty; the elimination of violence against children; child labour; the right of the child to express his or her views freely in all matters affecting him or her; and the implementation of child rights in early childhood.

* A/68/150.

13-41688 (E) 280813

Please recycle

Contents

		Page
I.	Introduction	3
II.	Status of the Convention on the Rights of the Child	3
III.	Implementation of the Convention on the Rights of the Child	3
IV.	International efforts and national progress in tackling child poverty	4
	A. Global commitments, progress and achievements	4
	B. Remaining challenges	5
	C. Opportunities for engagement and the ways forward	7
V.	International efforts and national progress in addressing violence against children	8
	A. Global commitments, progress and achievements	8
	B. Remaining challenges	10
	C. Opportunities for engagement and the ways forward	10
VI.	International efforts and national progress in addressing child labour with special emphasis on its causes, including poverty and lack of education	11
	A. Global commitments, progress and achievements	11
	B. Remaining challenges	13
	C. Opportunities for engagement and the ways forward	13
VII.	International efforts and national progress in supporting the right of the child to express his or her views freely in all matters affecting him or her	14
	A. Global commitments, progress and achievements remaining challenges	14
	B. Opportunities for engagement and the ways forward	15
VIII.	Implementing child rights in early childhood	15
	A. Global commitments, progress and achievements	16
	B. Remaining challenges	17
	C. Opportunities for engagement and the ways forward	18
IX.	Concluding observations and recommendations	18

I. Introduction

1. In its resolution 67/152, the General Assembly requested the Secretary-General to submit to the Assembly at its sixty-eighth session a comprehensive report containing information on the status of the Convention on the Rights of the Child and on the implementation of the priority themes of the resolution entitled "Rights of the child" from its sixty-first to sixty-fifth sessions. The present report is submitted in accordance with that request.

II. Status of the Convention on the Rights of the Child

2. As at 1 July 2013, the Convention on the Rights of the Child[1] had been ratified or acceded to by 193 States, while 2 States had signed but not ratified the Convention.[2]

3. As at 1 July 2013, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict[3] had been ratified by 151 States and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography[4] had been ratified by 163 States.

4. In addition, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, adopted by the General Assembly by its resolution 66/138 of 19 December 2011 and opened for signature on 28 February 2012, had been ratified by 6 States as at 1 July 2013. It will enter into force three months after the deposit of the tenth instrument of ratification or accession, in accordance with article 19 (1) of the Optional Protocol.[5]

III. Implementation of the Convention on the Rights of the Child

5. During the reporting period, the Committee on the Rights of the Child held its sixty-first to sixty-third sessions at the United Nations Office at Geneva, from 17 September to 5 October 2012, from 14 January to 1 February 2013 and from 27 May to 14 June 2013.

6. As of 1 July 2013, the Committee has received the initial reports of all but two States parties. All initial reports received by the Committee have been reviewed. In total, the Committee had received 583 reports pursuant to article 44 of the Convention.

7. Additionally, the Committee had received 99 reports and 1 second periodic report under the Optional Protocol to the Convention on the involvement of children in armed conflict, and 85 reports and 1 second periodic report under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.[6]

---

[1] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[2] See http://www2.ohchr.org/english/bodies/crc/.

[3] United Nations, *Treaty Series*, vol. 2173, No. 27531.

[4] Ibid., vol. 2171, No. 27531.

[5] See http://www2.ohchr.org/english/bodies/crc/.

[6] See http://www2.ohchr.org/english/bodies/crc/sessions.htm.

8. The Chair of the Committee will present her oral report to the General Assembly at its sixty-eighth session, addressing major issues related to the work of the Committee during the past year. In addition, the Chair will have the opportunity to engage in an interactive dialogue with the Assembly, in accordance with resolution 67/152.

IV. International efforts and national progress in tackling child poverty

A. Global commitments, progress and achievements

9. In its resolution 61/146, the General Assembly recognized that chronic poverty remained the single biggest obstacle to meeting the needs and protecting and promoting the rights of children. In addition to highlighting the unacceptable number of persons living in extreme poverty[7] and growing intra-country inequalities as two of the main development challenges, the Assembly recognized the complexities of addressing child poverty due to its multidimensional nature.

10. Poverty acutely affects the lives of children, threatening their survival, their development and their rights to health, adequate food and nutrition and education. It also has a negative impact on their rights to participation and to protection from violence, harm and exploitation. Global progress and key achievements regarding the main action points highlighted in resolution 61/146 are summarized below.

11. Preliminary estimates indicate that the percentage of persons living on less than $1.25 a day fell from 25.1 in 2005 to under 21 per cent in 2010.[8] Despite the general decline in poverty rates worldwide, much of the progress made continues to be driven by countries in East Asia. Globally, the percentage of the population with access to an improved water source increased from 76 to 89 per cent between 1990 and 2011.[9] However, significant rural/urban disparities persist and overall progress is likely overestimated, since the safety, reliability and sustainability dimensions are not reflected in the proxy indicator.[10] In terms of sanitation, between 1990 and 2011 the percentage of the population using improved facilities increased from 49 to 64 per cent.[9] Despite the advances, some 2.5 billion persons — including 43 per cent of the population in developing regions — still lack access to improved sanitation facilities, and open defecation remains a widespread health hazard in many countries, directly affecting children's health.

12. Between 2005 and 2011, significant progress was made in terms of child survival. Globally, under-5 mortality fell from 63 to 51 deaths per 1,000 live births, which represents an 18 per cent decline.[11] Much of this improvement can be attributed to expanded efforts against infectious diseases and conditions such as

---

[7] Refers to average daily consumption of $1.25 or less.

[8] See S. Chen, and M. Ravallion, "An update to the World Bank's estimates of Consumption poverty in the developing world" (World Bank, 2012).

[9] See World Health Organization (WHO)/United Nations Children's Fund (UNICEF) Joint Monitoring Programme for Water Supply and Sanitation, *Progress on Sanitation and Drinking Water: 2013 Update*.

[10] See United Nations, *The Millennium Development Goals Report 2012*.

[11] See United Nations Inter-agency Group for Child Mortality Estimation, *Levels and Trends in Child Mortality: Report 2012*.

pneumonia, diarrhoea, malaria, meningitis, tetanus, HIV and measles, which account for almost two thirds of under-5 deaths.[12] Yet, nearly 7 million children under the age of 5 continue to die annually (or some 19,000 daily), mostly from preventable causes.[11]

13. Efforts to address malnutrition among children show modest progress. Overall, between 2005 and 2011, the prevalence of under-5 stunting decreased from 29.3 to 25.7 per cent. Similarly, the percentage of underweight children declined from 18.1 to 15.7 during the same period.[13] However, the improvement is likely overstated, since the estimates do not fully reflect the effects of the food-price spikes in 2007-2008 and 2011-2012 or the economic slowdown experienced by many countries since 2009. Furthermore, some 100 million under-5 children were underweight and 165 million were stunted in 2011, and therefore unable to realize their full socioeconomic and human potential. It is also important to recognize that malnutrition is an underlying cause of 45 per cent of all under-5 deaths (or more than 3.1 million annually).[14]

14. Most Governments have improved efforts to include child rights issues in their national development plans. The Millennium Development Goals agenda, the Paris Declaration and greater demand for civil society participation have helped in the prioritization of child rights, as evidenced in a review of poverty reduction strategy papers conducted since the adoption of resolution 61/146.[15] However, programmes need adequate resources and consistent funding flows to deliver and improve child rights outcomes as well as to better integrate child rights indicators into national planning and monitoring processes.[16]

15. There was a sharp shift from fiscal stimulus to fiscal austerity, with nearly 100 countries cutting their annual budgets by more than 2 per cent of gross domestic product, on average, during 2010-2012.[17] Despite shifts towards austerity, Governments increased proportionate spending to shield their populations from the initial impacts of the global economic crisis during 2008-2009, which included sizeable investments in social protection.

B. Remaining challenges

16. Structural inequalities continue to prevent greater progress in reducing child poverty, by perpetuating inequity in access to public services, including health care, education, employment, transportation and housing. Attention is needed to address gaps and inequities in legal and regulatory frameworks as well as the funding of public services. Discrimination on the basis of gender, age, ethnicity, migrant or other status continues to contribute substantially to exclusion from the services and opportunities needed to break intergenerational cycles of poverty.

---

[12] See UNICEF, *Committing to Child Survival: A Promise Renewed — Progress Report 2012*.

[13] See *UNICEF-WHO-the World Bank: Joint Child Malnutrition Estimates — Levels and Trends* (2012).

[14] See *The Lancet*, Maternal and Child Nutrition Series (2013).

[15] See http://www.imf.org/external/np/prsp/prsp.aspx.

[16] See J. Espey, et al., "Improving the prominence of child rights in poverty reduction strategy processes" (Overseas Development Institute and UNICEF, 2010).

[17] See I. Ortiz and M. Cummins, "The age of austerity: A review of public expenditures and adjustment measures in 181 countries" (Initiative for Policy Dialogue and the South Centre, 2012).

17. Environmental volatility is becoming increasingly evident through shorter growing seasons and lower agricultural yields, changing disease patterns, growing water stresses and more frequent extreme weather events due to climate change.[18] These conditions most heavily affect children from the poorest families (up to 10 times more),[19] posing severe threats to child survival and well-being, food security and nutrition.

18. Together with economic factors, climate change contributes to fluctuations in commodity prices, with the most noticeable effects on food. Households in many developing countries were paying nearly twice as much for basic foodstuffs in 2012 than before the 2007-2008 price spike.[20] Given that international food prices were near historic highs in 2013, the threats of food insecurity, hunger and malnutrition are likely to remain severe for children in the foreseeable future.

19. Prolonged economic crises have translated into insufficient job opportunities, with two of every five potential workers in the world unable to find a job in 2012.[21] Labour markets are characterized by fewer, lower-paying jobs that are becoming more vulnerable, increasing the incidence of working poverty.[21]

20. It is well recognized that violent conflict exacerbates poverty, decreasing incomes and access to basic services.[22] Children in conflict-affected States are more than three times as likely as those living in other States to be unable to go to school, twice as likely to die before age 5[22] and more than twice as likely to lack clean water.[23] Eight of the 10 countries with the highest under-5 mortality rates are conflict-affected and/or fragile.[24] Children are the most vulnerable to a range of protection violations with long-term negative impacts on their mental health and well-being.

21. Lastly, development financing is also increasingly unpredictable. Investment shortfalls in both productive and social sectors are becoming commonplace in the worldwide drive towards austerity. It is projected that these forces will intensify in the coming years, with nearly 130 Governments expected to undergo budget cuts from 2013 to 2015.[17] Just as the general climate of austerity is adversely affecting the delivery of basic goods and services, traditional support for developing countries in dealing with these heightened risks provided in the form of official development assistance, will continue to be diminished.[25] There is growing concern that public spending in key areas that affect child well-being will be reduced and that the cost burden will further shift to households.

---

[18] See Intergovernmental Panel on Climate Change, United Nations Environment Programme and World Meteorological Organization, *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation* (Intergovernmental Panel on Climate Change, 2012).

[19] See Save the Children, "Poorest children hit worst by climate change", in *Save the Children News* (9 December 2010).

[20] See I. Ortiz, et al., "The food price Surge", in *A Recovery for All: Rethinking Socioeconomic Policies for Children and Poor Households* (UNICEF, 2012).

[21] See International Labour Organization (ILO), *Global Employment Trends 2013: Recovering from a Second Jobs Dip* (2013).

[22] See International Save the Children Alliance, *A Fair Chance at Life: Why Equity Matters for Child Mortality* (2010).

[23] See *World Development Report 2011*.

[24] See United Nations Inter-agency Group for Child Mortality Estimation, *Levels and Trends in Child Mortality: Report 2011*.

[25] See Organization for Economic Cooperation and Development, "Development aid to developing countries falls because of global recession", in *OECD Newsroom* (4 April 2012).

C. Opportunities for engagement and the ways forward

22. The complex nature of child poverty has made it difficult to identify appropriate multidimensional indicators and formulate effective interventions. However, recently developed innovative tools and approaches hold the promise of achieving better results for children. Some of these include: multidimensional child poverty studies supported by the United Nations Children's Fund (UNICEF); multiple, overlapping deprivation analysis; child-responsive budgeting; and child-focused poverty and social impact analyses, to assist Governments in providing more child-sensitive investments in all sectors (e.g., from agriculture to infrastructure to education). In some regions, Governments have responded positively to child poverty challenges through social protection programmes. Momentum can be increased in these areas by strengthening the child sensitivity of interventions and building nationally defined social protection floors, where appropriate.

23. National Governments are encouraged to consider the following policy recommendations to ensure the well-being of the most marginalized sectors of populations, in particular children:

(a) To address structural inequalities, Governments should enhance investments in delivering more inclusive social services, such as those described in sections VIII and IX of the present report, and ensure that policies prevent and address discrimination against marginalized groups. Governments should take steps to enhance the voice of such groups, as well as their access to the full range of public services and opportunities;

(b) An employment-based recovery is vital to protecting and supporting the most vulnerable populations, including children. This requires a combination of macroeconomic and active labour market policies, along with adequate labour standards and social protection schemes;

(c) Policymakers should recognize the impacts that various austerity measures have on children and poor households, and ensure that budget cuts are designed to protect the most vulnerable. For example, wage bill decisions should protect staff in essential social services such as teachers and health-care professionals, especially in the most disadvantaged areas;

(d) Social protection measures can mitigate the adverse effects of various shocks to household income. These policies and programmes have the potential to facilitate asset-building and also contribute to investment in human capital, reducing vulnerability to future shocks. This makes the maintenance and expansion of a universal social protection floor a priority area;

(e) Governments should implement comprehensive emergency risk-informed plans that seek to systematically reduce vulnerability to natural disasters, conflicts and violence and help build resilience.

V. International efforts and national progress in addressing violence against children

A. Global commitments, progress and achievements

24. In its resolution 62/141, which included a focus on the elimination of all forms of violence against children and was built upon the United Nations Study on Violence against Children, the General Assembly urged Member States to address the underlying causes of such violence through a systematic, comprehensive and multifaceted approach. The Assembly also requested the Secretary-General to appoint a Special Representative on violence against children as a high-profile and independent global advocate to promote the prevention and elimination of all forms of violence against children.

25. The appointment of the Special Representative on Violence against Children has strengthened the Organization's capacity to raise awareness of and mobilize political and social support for children's protection from violence. To consolidate knowledge on this topic, the Special Representative organized eight thematic expert consultations, which helped to inform legislative reforms to ban all forms of violence against children, including harmful practices, and to establish child-sensitive counselling, reporting and complaint mechanisms to address incidents of violence; to strengthen data and research to inform policy developments; and to enhance the protection of children from violence in early childhood, in schools and in the justice system.[26] In cooperation with regional organizations and institutions, the Special Representative organized six regional consultations. As a result, the number of countries with a national agenda addressing violence against children rose from 47 in 2006 to more than 80 by the end of 2012, and national surveys on violence against children increased. Furthermore, comprehensive legal prohibitions of violence were enacted in 34 countries, more than doubling their number compared with 2006. In 2012 the General Assembly, in resolution 67/152, recognized the progress achieved since the establishment of the mandate and recommended its extension for a further period of three years.

26. Since 2008, the international legal framework for the protection of children against violence has gained significant strength and recognition on the part of Member States.

27. In 2010, the Secretary-General launched a campaign to achieve universal ratification of the Optional Protocols on the sale of children, child prostitution and child pornography and the involvement of children in armed conflict. The campaign was promoted by the Special Representatives on Violence against Children and for Children and Armed Conflict, UNICEF, the Office of the United Nations High Commissioner for Human Rights, the Committee on the Rights of the Child and the Special Rapporteur on the sale of children, child prostitution and child pornography. Since the launch of the campaign, 26 additional States have ratified the Optional Protocol on the sale of children, child prostitution and child pornography, increasing the total number of ratifications to 163; and 19 States have ratified the Optional Protocol on the involvement of children in armed conflict, bringing the total number

[26] See A/HRC/22/55.

of ratifications to 151.[27] The protection of children's rights was further strengthened with the adoption of the third Optional Protocol.

28. Renewed commitment to addressing sexual violence and abuse has been demonstrated through international and regional mechanisms such as the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and the European Union Directive on combating the sexual abuse and sexual exploitation of children and child pornography. These efforts have been echoed in the Bridgetown Declaration and Agenda for Action to Combat Child Sexual Abuse in the Caribbean and the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents,[28] which provides a global framework for action.

29. Moreover, there have been a number of global initiatives to raise awareness regarding the issue of violence, such as the Secretary-General's campaign UNiTE to End Violence against Women. The campaign, launched in 2008, calls on all Governments and key actors to promote the adoption and implementation of legal and policy frameworks, and the establishment of data collection and monitoring systems to address the issue of violence.[29] In a similar effort, the Commission on the Status of Women adopted the agreed conclusions of its fifty-seventh session, in March 2013, on the elimination and prevention of violence against women and girls.

30. Reports from Member States indicate increased efforts to develop and implement comprehensive rights-based child protection laws and intersectoral strategies that target both the prevention of and response to violence. Two recent international conferences held in 2012, "Strengthening child protection systems in Africa: promising practices, lessons learned and the way forward", in Dakar,[30] and "A better way to protect all children: the theory and practice of child protection systems", hosted by UNICEF, the Office of the United Nations High Commissioner for Refugees, Save the Children and World Vision in New Delhi, contributed to further understanding of systemic approaches to address violence.

31. Achievements are noted in the increased efforts being made to prevent violence. The number of countries that have achieved the prohibition of corporal punishment in schools rose from 109 in 2010[31] to 117 in 2012.[32] Similarly, the majority of States have prohibited corporal punishment in settings in penal institutions (121 countries) and as a sentence of the courts (157 countries).[32] Additionally, Member States reported on the implementation of programmes and services focusing on positive child development and child discipline, parenting skills and the prevention of violence within the school environment.[33]

32. The progress made in the area of addressing harmful practices was reflected in the first-ever General Assembly resolution on female genital mutilation, resolution

---

[27] See http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en.

[28] Adopted at the Third World Congress against Sexual Exploitation of Children, held in Rio de Janeiro, Brazil, from 25 to 28 November 2008.

[29] See http://endviolence.un.org/.

[30] See http://wiki.childprotectionforum.org/Welcome.

[31] See A/65/206.

[32] See Global Initiative to End All Corporal Punishment of Children, *Ending Legalized Violence against Children: Global Report 2012*.

[33] See United Nations Educational, Scientific and Cultural Organization, *Stopping Violence in Schools: A Guide for Teachers* (2011).

67/146, adopted in 2012. Through the United Nations Population Fund-UNICEF Joint Programme on Female Genital Mutilation/Cutting, aimed at accelerating the abandonment of the practice, more than 10,000 communities in West, East and North Africa have declared their commitment to ending it. Putting an end to child marriage has also drawn increased attention from individual Governments as well as at the global level, with the first-ever International Day of the Girl Child celebrated on 11 October 2012.

33. With regard to humanitarian issues, the positive experience of conflict-affected countries in monitoring, reporting and preventing grave violations against children in situations of armed conflict was documented in the global study of good practices in the monitoring and reporting mechanism on children and armed conflict, conducted by UNICEF, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict and the Department of Peacekeeping Operations. The Minimum Standards for Child Protection in Humanitarian Action, developed in 2012, are an effective tool for Governments, providing guidance on designing adequate child protection strategies and mainstreaming child protection into other sectors.

B. Remaining challenges

34. Progress made in ending all forms of violence against children remains uneven, with uncoordinated policy interventions, dispersed and ill-enforced legislation and scarce data and research to address the invisibility and social acceptance of violence.

35. Scalable evidence-based programmes are emerging both nationally and regionally. However, this area of work is often related to hard-to-reach children and clandestine violations, which can make it difficult to develop practical and useful indicators and data collection mechanisms. It is also challenging to collect valid and reliable data on sensitive issues in a way that is ethical and efficient.

36. While large-scale household surveys are important sources of data on child protection, they are limited in terms of providing information on children living outside households, such as street children and children living in institutions. Data gained through routine administrative records, qualitative studies and ad hoc surveys are needed to fill critical data gaps.[34]

C. Opportunities for engagement and the ways forward

37. Sustaining the progress achieved so far, and addressing remaining challenges to ensure the effective protection of children against violence, require concerted action on the part of Governments and key stakeholders with a view to:

(a) Enacting and implementing national legislation and mechanisms in line with the Convention on the Rights of the Child and the Optional Protocols thereto and moving towards the universal ratification of these legal instruments;

(b) Further advancing the implementation of the recommendations of the United Nations Study on Violence against Children;

[34] See UNICEF, "Global monitoring for child protection" (2011).

(c) Supporting the implementation of the Secretary-General's campaign UNiTE to End Violence against Women, by taking action at the regional and national levels;

(d) Increasing investments in programmes that address violence, abuse and exploitation through multi-country and multi-partner initiatives that promote the cross-fertilization of knowledge and practice;

(e) Developing and implementing well-resourced, multisectoral approaches to the protection of children against violence, taking into account the importance of identifying social determinants of violence, including harmful social norms;

(f) Strengthening the capacity of the child protection sector to monitor and evaluate strategies and programmes addressing the issue of violence and to build an evidence base of "what works" to inform future policy and practice;

(g) Advocating the protection of children against violence, at the global, regional and national levels, including in collaboration with the Special Representative of the Secretary-General on Violence against Children, and with a view to ensuring that the protection of children against violence takes centre stage in the process leading to the post-2015 development agenda.

VI. International efforts and national progress in addressing child labour with special emphasis on its causes, including poverty and lack of education

A. Global commitments, progress and achievements

38. General Assembly resolution 63/241 and a follow-up report submitted by the Secretary-General to the Assembly at its sixty-fourth session (A/64/172), which were focused on international efforts to address child labour and actions to eliminate the worst forms of child labour by 2016, emphasized the role of education and social protection in this regard. This section of the present report reviews progress made since and outlines directions for the future.

39. UNICEF estimates that some 150 million children between the ages of 5 and 14 (or nearly 1 in 6 children in that age group), are involved in child labour.[35] In 2010, ILO reported a decline in child labour in the Asia-Pacific region and in Latin America and the Caribbean.[36] However, the decrease was at a slower rate, especially in hazardous work. The report also noted an increase in child labour in sub-Saharan Africa. This poses a challenge to achieving the goal of eliminating the worst forms of child labour by 2016. Most child labourers continue to work in agriculture and only one in five working children is in paid employment.[36]

40. The foundations of the regulatory framework for the elimination of child labour rest on legally binding law instruments, including ILO Convention No. 138, on the minimum age for admission to employment; ILO Convention No. 182, on the worst forms of child labour; and the Convention on the Rights of the Child and the

[35] See http://www.childinfo.org/labour.html.

[36] See ILO, *Accelerating Action against Child Labour: Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, 2010*.

Optional Protocols thereto. There has been steady movement over the years on the part of Governments towards adherence to these instruments. Since July 2009, there has been an increase in ratifications of ILO Conventions Nos. 138 and 182, with current totals of 165 and 177 signatory parties, respectively.[36]

41. A major milestone achieved within the international legal framework for the protection of children was the adoption of ILO Convention No. 189, on decent work for domestic workers, and the accompanying recommendation No. 201 at the 100th session of the International Labour Conference, held in June 2011. A 2013 ILO report estimated that at least 15.5 million children between the ages of 5 and 17 were engaged in domestic work, of whom some 3.5 million were between 5 and 11 years old and some 3.8 million between 12 and 14 years old. Girls far outnumber boys in domestic work, which further limits their opportunities to attend school and escape poverty. The tendency becomes stronger for the 15-17 age group, in which 12.2 per cent of girls in employment are engaged in domestic work, compared with only 2.2 per cent of boys.[37]

42. Within just over a year after its adoption, Mauritius, the Philippines and Uruguay have ratified the Convention, which will enter into force in September 2013. At least 20 other countries have initiated ratification procedures.[37] The adoption of the Convention has drawn significant attention to often invisible domestic child labour and provided Governments with a framework for action, including the development of policies and programmes to address the issue at the national level.

43. In addition, Member States made commitments towards the elimination of child labour at the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals, held in September 2010. The outcome document, entitled "Keeping the promise: united to achieve the Millennium Development Goals" (resolution 65/1), called upon Governments to take appropriate steps to assist one another in the elimination of the worst forms of child labour by strengthening child protection systems and combating trafficking in children.

44. This important recognition by the General Assembly reinforces the commitment previously expressed at the Hague Global Child Labour Conference, held in May 2010. The Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016, adopted at the Conference, called for preventive and time-bound measures, together with adequate resources for the elimination of all forms of child labour. As a follow-up, in October 2013 the Government of Brazil will host the third global conference related to the issue, at which strategies for accelerating the pace of eradication of the worst forms of child labour will be discussed.

45. The role of education in the prevention and elimination of child labour was highlighted through recent global efforts such as the Global Education First Initiative,[38] launched in 2012 by the Secretary-General; the Education for All initiative; and the report *Child Labour and Educational Disadvantage: Breaking the Link, Building Opportunity*, issued by the United Nations Special Envoy for Global Education.

---

[37] See ILO, *Domestic Workers across the World: Global and Regional Statistics and the Extern of Legal Protection* (2013).

[38] See http://www.globaleducationfirst.org/.

B. Remaining challenges

46. Collecting reliable data on child labour is a crucial step in the process of eliminating the phenomenon. Accurate estimates build a strong foundation for policy and programme development and are essential to monitoring progress and evaluating the effectiveness of interventions. ILO and UNICEF support the collection of data on the extent, characteristics and determinants of child labour through, respectively, the Statistical Information and Monitoring Programme on Child Labour and the multiple indicator cluster survey. Established in 1998 by ILO, the Statistical Information and Monitoring Programme on Child Labour has supported more than 300 child labour surveys, 66 of which have been national in scope.[36] As of April 2013, UNICEF had supported the collection of nationally representative data on child labour through more than 250 surveys conducted under the Programme since 2000.

47. In spite of repeated recognition of the need to establish an internationally agreed statistical definition of child labour, a consensus in that regard has yet to be achieved. Variations in child labour estimates identified through the research conducted under the inter-agency cooperation programme Understanding Children's Work highlight the need for an established definition.[39]

C. Opportunities for engagement and the ways forward

48. Despite the increased international attention drawn to child labour through global advocacy, legal reforms, global monitoring and data collection mechanisms, millions of children continue to be exposed to harmful and exploitative practices. Governments and key stakeholders are encouraged to continue to apply efforts towards:

(a) Adhering to ILO Conventions Nos. 138, 182 and 189 and, within that framework, developing and implementing legislation, programmes and services for the protection of children against child labour, including its worst forms;

(b) Addressing the issue of child labour as a means of achieving Millennium Development Goal 1, on poverty eradication, as stated in the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals; and ensuring that the elimination of child labour continues to take centre stage among the discussions concerning the post-2015 development agenda;

(c) Strengthening national data collection systems on child labour and harmonizing data collection instruments with international standards and definitions, as well as recognizing and accounting for hazardous unpaid household services as a form of child labour.

[39] See UNICEF, ILO and the World Bank, "Towards consistency in child labour measurement: assessing the comparability of estimates guaranteed by different survey instruments" (2010).

VII. International efforts and national progress in supporting the right of the child to express his or her views freely in all matters affecting him or her

A. Global commitments, progress and remaining challenges

49. In its resolution 64/146, the General Assembly highlighted the importance of literacy and universal access to free and compulsory primary education as key elements in promoting the right of the child to be heard. It called upon States to establish and strengthen mechanisms that promote the involvement and participation of children in the formulation and implementation of public policies while ensuring the equal participation of girls. This section of the present report outlines further advancements in that regard.

50. When equipped with the right tools, children and adolescents come up with creative solutions to the challenges they face. In Kosovo, "Prishtina Buses" is a youth-led civic engagement project aimed at reducing urban air pollution. In Uganda, Ureport uses text messages to collect and share information on topics of importance to children and youth, such as gender-based violence, child marriage, water access and inflation. As this latter example demonstrates, there have been exciting developments in mobile-phone technology and social media. However, it is critical to recognize that offline engagement is equally important so that those who are not connected are not excluded. Looking forward, localized approaches that involve parents, teachers and community members are needed to ensure meaningful participation and empower youth as agents of change.

51. Despite these achievements, in most societies the implementation of the right of the child to express her or his views continues to be challenged by cultural attitudes as well as political and economic barriers. The Committee on the Rights of the Child noted, in its general comment No. 12, that younger children and children belonging to vulnerable, marginalized and disadvantaged groups face particular barriers in the realization of this right.

52. A number of States parties have made efforts to incorporate the right of children to be heard into administrative and legal proceedings. However, insufficient clarity and limited practical application of legal provisions, including safeguards and mechanisms for ensuring children's right to be heard free of discrimination, manipulation or intimidation remain issues of concern.[40] In many cases, the special linguistic requirements of children, including indigenous children, are not being adequately taken into account in judicial and administrative decision-making.[41]

53. Increasingly, the establishment of national or subnational children's and youth councils or parliaments reflects the intention of States parties to strengthen the participation of children in matters that affect them. However, limited efforts to measure the effectiveness and impact of such platforms raise the concern that they run the risk of remaining symbolic and ineffective.[42]

---

[40] According to an analysis of the concluding observations contained in 41 reports considered by the Committee on the Rights of the Child during its fifty-fourth to fifty-ninth sessions.

[41] See A/67/225.

[42] See A/HRC/22/55.

54. Enabling children to understand their rights and to be active decision makers requires new and adapted pedagogies. ASPnet in Action, an online collaborative platform launched by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in March 2013, will help to advance these efforts. The platform facilitates the global exchange of experiences, materials and information on school-based initiatives. Similarly, a forthcoming UNESCO publication, *Children and Youth as Educators: Pedagogy for the Child as Global Citizen*, will provide guidance on ways in which to empower children to take an active role in society.

55. Limited access to information, especially on reproductive health, prevents children and adolescents from making informed decisions affecting their lives. In low- and middle-income countries, complications of pregnancy continue to be the leading cause of mortality among adolescent girls who, whether married or unmarried, receive insufficient information and support on matters related to their own health.[43] Decisions about medical interventions are frequently made without the involvement or consent of children, particularly children with disabilities.[44]

B. Opportunities for engagement and the ways forward

56. The introduction of the following special measures and actions can further strengthen the active participation of children and adolescents and help to include their voices in the consideration of the matters affecting them:

(a) Promote awareness-raising and educational activities, including campaigns targeting the public at large and specific groups of professionals, to create better understanding of the right of the child to express his or her views freely;

(b) Promote the right of all children to express their views in decision-making affecting them, and put into place safeguards and mechanisms for ensuring the right to be heard free of discrimination, manipulation or intimidation;

(c) Because children and adolescents cannot exercise their rights unless they have access to information in a form they can understand, ensure the right to information and involvement of children, including children with disabilities, in decisions related to health interventions and sexual reproductive health;

(d) Pay particular attention to, respect and protect the child's civil rights and freedoms in national legislation, policies and programmes (articles 7, 8, 13-17, 19 and 37 (a) of the Convention on the Rights of the Child).

VIII. Implementing child rights in early childhood

57. The report of the Secretary-General to the General Assembly at its sixty-fifth session (A/65/206) identified the period below the age of 8 years as critical for a child's development in that it includes crucial processes that play a vital role by influencing a range of social, economic and health outcomes throughout life. The report underlined the significance of the cost-effectiveness of early childhood interventions, as they yield more positive long-term outcomes for individuals and society than later interventions. In its subsequent resolution 65/197, adopted in

[43] See E/CN.9/2012/5.

[44] See A/66/230.

March 2011, the General Assembly emphasized good maternal health, nutrition and education as essential elements for the full realization of all rights of the child, and called upon Member States to ensure universal access to quality and affordable health, education, water and sanitation, social protection and welfare services. Progress made towards the fulfilment of child rights in early childhood and remaining challenges are outlined below.

A. Global commitments, progress and achievements

58. In accordance with article 7 of the Convention on the Rights of the Child, all children should be registered immediately after birth. A birth certificate protects children from being trafficked or illegally recruited by armed forces or armed groups (articles 35 and 38) and from hazardous forms of work and from being sexually exploited (articles 32 and 34). Children in conflict with the law need an official record of their age to avoid being treated as adults by the criminal justice system (general comment No. 10).

59. Birth registration should be free and universal. Yet, the current data show that only half of children under the age of 5 in the world are registered.[45] According to UNICEF, nearly 25 million children under 5 in the developing world (excluding China) are not registered. Estimates show large regional disparities, with only slightly more than one third of children in Eastern and Southern Africa and South Asia registered.[46] Birth registration rates are lower in rural than in urban areas and among the poorest 20 per cent of households, across all regions. Other marginalized groups, including indigenous children, also have low registration rates.[47]

60. Innovative technology has proved to be an effective, low-cost option for raising registration rates. In India, New Delhi has achieved universal birth registration of children by combining online registration of births and deaths since 2004 and by linking immunization to birth registration.[48] In Brazil, subnational birth registration rates in northern states have increased owing to the adoption of a comprehensive national plan of action, which stipulated the provision of a monetary incentive to maternity wards for each registered child.

61. The Convention on the Rights of the Child states that every child has the right to grow up in a family environment. When, despite receiving assistance to help bring up a child, the child's family is unavailable, unable or unwilling to care for her or him, appropriate and stable family-based solutions should be sought to enable the child to grow up in a caring and supportive environment. Still today, at least 2 million children are institutionalized, with increasing use of orphanages and other institutional care.[49]

---

[45] See http://www.childinfo.org/birth_registration_progress.html.

[46] UNICEF global databases, 2013. Information is based on data from demographic and health surveys, multiple indicator cluster surveys, and other national surveys conducted between 2005 and 2011. Estimates are based on a subset of 104 countries covering 77 per cent of the under-5 population in the world (excluding China, for which comparable data are not available). Regional estimates represent data from countries covering at least 50 per cent of the regional population.

[47] See UNICEF, *Progress for Children: Achieving the MDGs with Equity* (No. 9, 2010).

[48] See M. Muzzi, "UNICEF good practices in integrating birth registration into health systems (2000-2009)" (2010).

[49] See UNICEF, *Progress for Children: A Report Card on Child Protection* (No. 8, 2009).

62. Following the launch in November 2009 of the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), work is continuing to implement the guidelines in legislation, policy and practice. In Mexico, more than 1,000 staff were trained on the application of the Guidelines, while the child protection system in Indonesia is increasingly moving towards the prevention of admission to alternative care settings.

63. The Guidelines lay out recommendations both for the prevention of family separation, so that it occurs only when it is necessary, and for the provision of appropriate alternative care, according to the needs of the individual child. To enable Governments to better implement the Guidelines, the handbook *Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children'*,[50] has been produced in English, Spanish and French. Child-friendly and staff-friendly versions of the Guidelines have also been produced in English, French, Portuguese, Russian and Spanish.

B. Remaining challenges

64. Overall progress in the area of early childhood development is constrained owing to the following factors: living in stressful ecosystems (i.e., unemployment, social exclusion and contaminated environments); insufficient knowledge among caregivers regarding how to care for young children; limited access to early childhood development, health and protection services for young children affected by significant disparities driven by such factors as poverty and ethnicity; fragmented policies that do not address the needs of young children holistically; and insufficient budget allocations by national Governments.

65. Poverty associated with health, nutrition and social risk factors prevent at least 200 million children in developing countries from attaining their full developmental potential.[51] Poor health status of young children, especially high prevalence of HIV/AIDS and malaria, together with nutritional deficiencies such as growth retardation and iron and iodine deficiencies are among the immediate causes of poor outcomes in early childhood.

66. Combating the unnecessary deaths of women and children continues to be a pressing challenge. Rates of maternal and neonatal mortality, as well as stunting, show less reduction than under-5 mortality rates, especially in countries affected by conflict and fragile situations, and those with exacerbated inequalities.

67. Persistent challenges in coordination across sectors and systems relevant to young children and their families require further scrutiny. In particular, ways to promote better understanding of the linkages between health and nutrition interventions, as well as nexuses with agriculture, food security, social protection and public health, should be considered.

---

[50] N. Cantwell et al., *Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children'* (Centre for Excellence for Looked After Children in Scotland, 2012).

[51] See S. Walker et al., "Child development: risk factors for adverse outcomes in developing countries", in *The Lancet*, vol. 369, issue 9556 (2007).

C. Opportunities for engagement and the ways forward

68. The following promising initiatives promote the active engagement of Governments and the private sector and must be prioritized for full achievement of the Millennium Development Goals:

(a) While the achievement of Millennium Development Goals 4 and 5 by 2015 will remain an unattainable objective for many countries, the goal of ending all preventable child deaths is now within reach. In June 2012, the Governments of Ethiopia, India and the United States of America, together with UNICEF and the World Health Organization (WHO), launched "A Promise Renewed", a commitment to reducing under-5 mortality to 20 or fewer deaths per 1,000 live births in all countries in the world by 2035.[52] By December 2012, 168 countries had signed a pledge to support this effort;

(b) Increasing evidence showing the impact of undernutrition on infant and child mortality, and its largely irreversible long-term effects on health, cognitive and physical development, has propelled the issue higher on the development agenda. Nutrition is commanding the attention not only of the research community, but also of donors and developing countries, through the Scaling Up Nutrition movement, which supports nationally driven processes for the reduction of stunting and other forms of malnutrition.[53] This global initiative promotes the implementation of evidence-based nutrition interventions and focuses on the integration of nutrition goals across health, social protection and agriculture sectors. As of May 2013, 16 Scaling Up Nutrition country plans had been analysed to better inform national planning and investment priorities and to help mobilize additional resources.[54]

IX. Concluding observations and recommendations

69. **Scientific knowledge and understanding about what it takes to end child poverty, support a healthy start in life, eliminate child labour and prevent violence have made significant strides over the past decade. The improved knowledge base has resulted in shifts in the responses and enhanced advocacy efforts for poverty reduction and social and economic development. While progress has been made, as the examples set out above demonstrate, sustained efforts are needed on behalf of children and women. As the world continues to articulate the post-2015 development agenda, national Governments and international actors are encouraged to consider the following principles and actions to further advance and fulfil commitments on the rights of all children.**

Maintain attention to "unfinished business", together with emerging and neglected issues, to ensure the fulfilment of children's rights

70. **Ending preventable child and maternal deaths remains an imperative and requires concerted action by Governments, development agencies, non-governmental organizations and civil society. It must be recognized that children's rights extend beyond mere survival and that the unfinished agenda**

[52] See http://www.apromiserenewed.org/A_Call_to_Action.html.

[53] See http://scalingupnutrition.org/.

[54] See http://scalingupnutrition.org/wp-content/uploads/2013/05/Executive-Summary_SUN-Country-Costing-Analysis_May-2013.pdf.

encompasses a broad set of goals related to improved access to quality education, water and sanitation, nutrition and child protection services. Accelerating efforts such as "A Promise Renewed", the Secretary-General's "Every Woman, Every Child" movement, the Getting to Zero strategy of the Joint United Nations Programme on HIV/AIDS, and the Scaling Up Nutrition initiative are central to achieving this.

Integrate equity into national development strategies and international development goals

71. **With growing inequalities widely spread across almost all countries around the globe, tens of millions, including children, continue to be marginalized, excluded and exploited. In least developed, middle-income and high-income countries alike, certain groups are facing persistent high mortality rates, poor educational outcomes and grave risks of violence. Evidence shows that failure to address inequities severely compromises countries' economic and social stability over time.**

72. **A growing body of evidence suggests that prioritizing the most disadvantaged communities is the most efficient and cost-effective way to reduce inequalities and improve outcomes for children.[55] In addressing the rights and empowerment of the most marginalized, it is important to recognize both the range of intersecting discriminations and the social, economic and environmental barriers they face. A heightened focus on addressing disparities will require the disaggregation of data at subnational levels, the strengthening of countries' capacity to conduct this analysis and the empowerment of communities to monitor progress and hold authorities and service providers accountable for their performance.**

73. **At the same time, it is important to recognize that equitable, continuous and broad-based investments can level the playing field by providing every child with the same opportunities to develop. The most cost-effective investments encompass a range of early childhood interventions in nutrition, immunization, malaria and deworming.[56] Investments in preschool education can also lead to significant returns.[57] Investments in education, particularly for girls, have shown strong correlation with reduced child mortality.**

74. **Avoiding or deferring investments in children, especially the most marginalized, can perpetuate the intergenerational transmission of poverty and lead to irreversible, negative impacts on their health and educational attainment.[58] Multilateral coordinated effort and policy coherence at the global and national levels is imperative to ensure sustained and timely investments in children.**

---

[55] See A. Lake, "A tipping point for child survival, health and nutrition", in *The Lancet*, vol. 380, issue 9850 (2012).

[56] See Copenhagen Consensus 2012: *Expert Panel Findings*. See also UNICEF, "A post-2015 world fit for children: sustainable development starts and ends with safe, healthy and well-educated children" (2013).

[57] See P. Engle et al., "Strategies for reducing inequalities and improving developmental outcomes for young children in low-income and middle-income countries", in *The Lancet*, vol. 378, issue 9799 (2011).

[58] S. Naudeau et al., *Investing in Young Children: An Early Childhood Development Guide for Policy Dialogue and Project Preparation* (2011).

Focus on integrated solutions to deliver results for children

75. **Addressing the greatest challenges for children requires the articulation of synergies between inclusive economic growth, inclusive social and human development and environmental sustainability. This may take the form of heightened attention focused on concerted intersectoral action to ensure that integrated solutions — policies and investments in one domain — simultaneously benefit the outcomes in other domains.**[59]

Strengthen accountability mechanisms

76. **Making further progress on commitments for children requires the strengthening of existing accountability mechanisms and the establishment of new ones. Effective approaches emphasize the use of participatory processes to engage community representatives and members — girls, boys, men and women, especially those from marginalized and excluded groups — in research on and the design, development and evaluation of services and programmes that impact their lives. Local development scorecards, crowdsourcing, the transparency of municipal budgets and SMS feedback on service delivery all provide examples of how to monitor progress and performance. Other promising initiatives such as the accountability framework of the Commission on Information and Accountability for Women's and Children's Health,[60] Countdown to 2015[61] and the Public Library of Science Collection entitled "Measuring Coverage in Maternal, Newborn and Child Health"[62] can further help to strengthen the oversight of health-related institutions at the global, national and local levels, including the delivery of services.**

Recognize the right of children to be active participants in their own development

77. **Children and adolescents have helped solve problems across the world. Their engagement spans a gamut of activities, from raising awareness on specific issues to taking part in local government decisions and contributing to commercial and public products and services. To sustain such achievements, it is necessary to provide adequate financial and human resources to established mechanisms for children's participation at the national and subnational levels, such as children's and youth clubs, councils, parliaments or advisory boards, to ensure that they are effective, regular and systematic. In parallel, Member States should maintain efforts to monitor and measure the extent to which these mechanisms inform public policies and programmes. Formal and independent mechanisms of redress are essential to the exercise of the right of the child to express his or her views freely in all matters affecting him or her. To that end, the creation of independent human rights institutions for children at the national and regional levels will allow for the establishment of official review and complaint mechanisms for children.**

---

[59] See "Towards a post-2015 world fit for children: UNICEF's key messages on the post-2015 development agenda" (2012).

[60] See http://www.who.int/woman_child_accountability/about/en/.

[61] See http://www.countdown2015mnch.org/.

[62] See http://www.ploscollections.org/article/browseIssue.action?issue=info:doi/10.1371/issue.pcol.v01.i16.

United Nations A/68/258

General Assembly

Distr.: General
24 July 2013

Original: English

Sixty-eighth session
Item 19 of the provisional agenda*
Sustainable development

Cooperative measures to assess and increase awareness of environmental effects related to waste originating from chemical munitions dumped at sea

Report of the Secretary-General

Summary

In compliance with General Assembly resolution 65/149, the present report conveys views of Member States and relevant regional and international organizations on issues relating to the environmental effects related to waste originating from chemical munitions dumped at sea, as well as on possible modalities for international cooperation to assess and increase awareness of this issue. The information was drawn from responses of Member States and relevant regional and international organizations to the questionnaire circulated by the Secretariat on this topic.

* A/68/150

13-41694 (E) 280813

Please recycle

I. Introduction

1. The General Assembly, at its sixty-fifth session, adopted resolution 65/149 on cooperative measures to assess and increase awareness of environmental effects related to waste originating from chemical munitions dumped at sea. In the resolution, the Assembly noted the importance of raising awareness of the environmental effects related to waste originating from chemical munitions dumped at sea and invited the Secretary-General to seek the views of Member States and relevant regional and international organizations on issues relating to the environmental effects related to waste originating from chemical munitions dumped at sea, as well as on possible modalities for international cooperation to assess and increase awareness of the issue, and to communicate such views to the General Assembly at its sixty-eighth session for further consideration.

2. The present report was prepared in line with the above-mentioned General Assembly resolution. It offers a summary of reviews of Member States and relevant regional and international organizations on issues relating to the environmental effects related to waste originating from chemical munitions dumped at sea, and on possible modalities for international cooperation. All the information was drawn from responses of Member States and relevant regional and international organizations to the questionnaire circulated by the Secretariat on this topic.

II. Follow-up to resolution 65/149

3. Following the adoption of General Assembly resolution 65/149, in order to advance its implementation, Lithuania and Poland co-organized, on 5 November 2012 in Gdynia, Poland, the International Workshop on Environmental Effects Related to Waste Originating from Chemical Munitions Dumped at Sea. The event was attended by governmental representatives, experts and representatives of academic and research institutions, non-governmental organizations (NGOs) and the private sector.

4. Workshop participants discussed environmental, safety and security challenges and effects posed by waste originating from chemical munitions dumped at sea in various parts of the world, as well as national and international responses to them. The work by the Baltic Marine Environment Protection Commission (Helsinki Commission) was emphasized as an example of excellent regional cooperation that could be used in setting guidelines for other regions (see A/C.2/67/3).

5. It was reaffirmed by all participants that General Assembly resolution 65/149, inviting more coordination and further cooperation in sharing information on a voluntary basis and raising awareness on this subject, was very important for the whole process of environment protection. It was also emphasized that the resolution should serve as a tool to facilitate information-gathering in an inclusive manner with regard to chemical munitions dumped at sea, their impact on the environment and eventual effects on human health (ibid.).

6. After the Workshop, on 28 November 2012, the Permanent Representative of Lithuania to the United Nations sent a letter to the Secretary-General to which was annexed the summary of the Workshop (ibid.).

III. Responses of Member States and relevant regional and international organizations to the questionnaire

7. In compliance with General Assembly resolution 65/149, a questionnaire was circulated to all Member States and relevant regional and international organizations on 22 March 2013 for the purpose of collecting views on issues relating to the environmental effects related to waste originating from chemical munitions dumped at sea.

8. The Secretariat received responses to the questionnaire from the European Union and from 23 Member States (Bahrain, Chile, Costa Rica, Croatia, Cyprus, Estonia, France, Gabon, Georgia, Grenada, Guyana, Japan, Latvia, Lithuania, Malaysia, Mexico, New Zealand, Philippines, Poland, Qatar, Romania, Spain, and Turkey), the Office for Disarmament Affairs of the Secretariat, the International Maritime Organization (IMO), the World Health Organization (WHO), and the NGO International Dialogue on Underwater Munitions.

9. A summary of the views expressed in the above-mentioned responses is reflected in the following sections.[1]

A. Situation

1. Countries and regions with an environmental risk of waste originating from chemical munitions dumped at sea

10. Bahrain, Croatia, Grenada, Guyana, Latvia, Lithuania, Mexico, the Philippines, Poland, Qatar and the European Union explicitly stated that there was an environmental risk in their countries or region related to waste originating from chemical munitions dumped at sea.

11. The European Union indicated that some information was available on risks posed by waste originating from chemical munitions dumped at sea in various seas bordered by European Union member countries, and that the issue had been identified as a problem thus far, especially in the Baltic Sea and in the North-East Atlantic. More information on environmental challenges was available, for example, through the Helsinki Commission, based on the legally binding Convention on the Protection of the Marine Environment of the Baltic Sea Area (the Helsinki Convention). The Helsinki Commission had established an ad hoc expert group on dumped chemical munitions in 2010 that had drafted a report entitled "Update and Review of the Existing Information on Dumped Chemical Munitions in the Baltic Sea".[2]

12. In addition, the European Union indicated that the OSPAR Commission for the Protection of the Marine Environment of the North-East Atlantic, based on the legally binding Convention of the same name, had been studying the issue of dumped chemical and conventional munitions since 2000. In 2002, the Commission had published a report entitled "Overview of Past Dumping at Sea of Chemical Weapons and Munitions in the OSPAR Maritime Area" that had been updated in

[1] The views expressed are based on responses to the questionnaire and do not imply the expression of any opinion on the part of the Secretariat.

[2] See www.helcom.fi/environment2/hazsubs/en_GB/chemu/?u4_highlight=chemu.

2005 and 2010.[3] Details of the locations, types and quantities of materials dumped had been recorded in a database that was on the website of the Commission. In 2003, the Commission had agreed on recommendation 2003/2 on an OSPAR framework for reporting encounters with marine dumped conventional and chemical munitions in the OSPAR Convention area that had been subsequently replaced by updated recommendation 2010/20.[4] The recommendation requested the reporting of encounters with marine dumped chemical weapons and munitions that are recorded in the database. In 2004, the OSPAR Commission published an updated review of Convention-wide practices and procedures in relation to marine dumped chemical weapons and munitions, including guidelines for fishermen and other users of the sea and its coastline.[5] In 2008, the Commission published a report entitled "The Assessment of the Impact of Dumped Conventional and Chemical Munitions".[6] In 2009, the Commission published a report entitled "Implementation of OSPAR Recommendation 2003/2 Database on Encounters with Dumped Conventional and Chemical Munitions".[7]

13. Latvia stated that there existed an environmental risk for Latvia by chemical munitions dumped in the Baltic Sea. Information on environmental challenges can be obtained through the Helsinki Commission.[8]

14. Lithuania stated that part of the chemical munitions dump site in the Gotland Basin lies within the exclusive economic zone of Lithuania. The closeness of the area poses a potential risk for Lithuania to be affected by waste originating from chemical munitions dumped at sea. Chemical warfare agents, such as sulphur mustard, tabun and arsenic-containing substances, were designed to trigger severe biological effects with very small doses. All of them are extremely toxic to humans and other forms of life. In addition, in many cases, the degradation products show some degree of toxicity, while some compounds have the potential to be bioaccumulated by organisms within the food chain.

15. Poland indicated that, after the Second World War, more than 40,000 tons of munitions had been dumped in the Baltic Sea, mostly in the area east of Bornholm, south-east of Gotland, in the proximity of the Polish exclusive economic zone. It is likely that chemical munitions had also been dumped in the Gdansk Deep, off the Polish coast. There were also indications that some of the munitions had been thrown overboard during their transportation to various dump sites, although the amount is not known. Chemical munitions included mustard, lewisite, sarin, and tabun. When those toxic agents are exposed to seawater, they can react to form additional harmful substances. Lewisite, for example, could degrade to release arsenic near disposal sites.

16. Croatia stated that, in accordance with the initiative of the contracting parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) at the thirteenth session of the Conference of the Parties to the Convention (Portorož, Slovenia, November 2005), the marine pollution assessment and control component of the United Nations

[3] See www.ospar.org/v_publications/download.asp?v1=p00519.

[4] See www.ospar.org/v_measures/get_page.asp?v0=10-20e_munitions.pdf&v1=4.

[5] See www.ospar.org/v_publications/download.asp?v1=p00185.

[6] See www.ospar.org/v_publications/download.asp?v1=p00365.

[7] See www.ospar.org/v_publications/download.asp?v1=p00439.

[8] See www.helcom.fi.

Environmental Programme Mediterranean Action Plan (UNEP/MAP) for the Barcelona Convention, in cooperation with the contracting parties, collected available country data on the dumping sites of ammunitions in the Mediterranean Sea. Based on the data, the report entitled "Ammunitions dumping sites in the Mediterranean Sea" was prepared in 2009. Croatia participated in the initiative by providing available data and locations of dumped ammunitions. Croatia considered the report a relevant document that reflected the state of environmental risk posed by the waste originating from chemical munitions dumped at sea in the Mediterranean Sea, including the Adriatic Sea.

17. Japan indicated that chemical munitions had been found at a seaport in Japan, and had been dumped by the then Japanese military around the end of the Second World War.

18. New Zealand answered that there were two known ocean dumping sites for chemical weapons in New Zealand. Chemical weapons had been dumped at those sites in 1946, following the end of the Second World War, and were from New Zealand's own stockpile of chemical mustard gas artillery shells and mortar bombs. However, the health hazards associated with those dumped chemical weapons was considered low. That position was in line with the findings of the 2003 report of the Australian Department of Defence entitled "Chemical Warfare Agent Sea Dumping off Australia", which was publicly available.

2. Environmental challenges and effects posed by waste originating from chemical munitions dumped at sea

19. Some States noted that the environment and health risks from waste originating from chemical munitions dumped at sea may be caused by their potential transport or discharge to surface or groundwater, release to air, and leaching to soil and bioaccumulation in the food chain.

20. Some States in the Baltic Sea Area emphasized that waste originating from chemical munitions dumped at sea created a potential risk for the bottom fauna and flora in this area. According to them, although the majority of the dump sites were situated in the deep water, with relatively low oxygen concentration and abundance of marine biota, they could become a source of contamination for both biota located in the dump sites in the upper and lower column during a mixing event, or for benthic biota in more shallow areas, due to the action of bottom currents. Possible challenges include adverse effects on fish stocks well-being, and transfer of contaminants via food chain from benthic animals to fish preying on them. Waste originating from chemical munitions dumped at sea presents a potential threat for fishing vessels and offshore wind farms. The countries estimated that the suspected dump site could interfere with future oil exploration, as submarine oil deposits were situated in the vicinity.

21. Some States in the Arabian Gulf area indicated that waste originating from chemical munitions dumped at sea could be a big threat to the fragile environmental resources in that area, and that its marine flora and fauna could be greatly affected in case of any controlled or uncontrolled dumping and disposal. Fishery was one of the important employment sources in the area. The Arabian Gulf was also a main source of drinking water where the seawater underwent the process of desalination. Any disposal of waste originating from chemical munitions dumped at sea would pose a great threat to an already vulnerable environmental situation.

22. Some small island developing States stressed that they depended heavily on marine and coastal resources for development. Materials dumped offshore or near to shore were carried around the world by oceanic currents. As a result such waste could create health and environmental problems, posed a challenge to the life of the marine diversity dwelling therein, and negatively impacted on the livelihood of artisanal fishers and large-scale commercial fishing groups. As it related to artisanal fishers, with the tidal seasons came the mixing of marine waters with fresh waters; thus, there was a risk to the quality of fresh water if the marine waters were contaminated.

23. The International Dialogues on Underwater Munitions estimated that, if a dump site was disturbed enough to cause some sort of release, this could decrease the fish stock by approximately 70 per cent.

3. Scientific research and findings on environmental effects related to waste originating from chemical munitions dumped at sea

24. The European Union reported that, in 2005, the European Commission had financed research on the issue through the Sixth Framework Programme project, entitled "Modelling of Ecological Risks Related to Sea-dumped Chemical Weapons".[9]

25. The Baltic Sea research project, entitled "Chemical Munitions, Search and Assessment" (CHEMSEA) was partly financed by the European Regional Development Fund.[10] The Institute of Oceanology of the Polish Academy of Sciences was the coordinator of the project. Lithuania, Finland, Germany and Sweden had also joined the project. The research included a survey of dump sites and characterization of pollution and environmental parameters within them. It also focused on the effects of waste originating from chemical munitions dumped at sea on marine biota. Results thus far showed a large dispersion of chemical weapon objects on the Gotland Deep dump-site area. Fish from dump sites were characterized by a higher frequency of diseases than those from control areas. Genotoxic effects and damage to cellular membranes had been observed in both fish and caged mussels exposed at the dump sites. Pollution of sediments in the vicinity of objects was under investigation. The magnitude and direction of bottom currents in the dump-site areas suggested that spreading of contaminated material to other areas of the Baltic Sea was entirely possible in the day-to-day current pattern and very likely during extreme events, such as the inflow of saline water from the North Sea.

26. A part of the chemical munitions dump site in the Gotland Basin within the western part of the Lithuanian exclusive economic zone was investigated within the framework of national Lithuanian projects. The aim was to determine whether chemical munitions had been dumped in the waters of the Lithuanian exclusive economic zone and to perform an environmental impact assessment by evaluating the conditions of the environment and biota in the area under investigation. The conclusion of the research was that water depth, north direction bottom water currents, bottom current velocities and bottom relief prevented chemical munitions from reaching the Lithuanian coast. Further studies would still be necessary to reach

[9] See http://mercw.org/

[10] See http://www.chemsea.eu/

unequivocal conclusions about the risk of leakage of chemical munitions at that dump site.

27. Croatia indicated that in the Mediterranean Sea region, activities conducted within the framework of UNEP/MAP have been concentrated mostly on mapping the officially recorded ammunitions dumping sites. In Croatia, the Ministry of Defence was responsible for holding the data on dumped ammunition sites in the area under the sovereignty and jurisdiction of Croatia. The Italian Central Institute for Maritime Scientific and Technological Research was engaged in the European Commission co-funded project entitled "RED COD", aimed at assessing effects and risks for the benthic ecosystems caused by leaking of persistent pollutants from dumped ammunitions in the Southern Adriatic Sea.

28. The French scientific community did not directly lead research on the issue but monitored it from a scientific and technical perspective. National institutes specialized in chemical issues, industrial chemistry, and terrestrial and marine pollution agencies were aware of the issue.

29. In Mexico, several institutions and universities had research programmes on Mexican seas. More work should be done to relate those programmes to waste originating from chemical munitions dumped at sea.

30. In Qatar, some research and studies had been conducted by the Ministry of Environment and the Qatar University Environmental Studies Center on the subject.

31. IMO indicated that the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (the London Convention 1972), which entered into force in 1975, prohibited the dumping of "materials in whatever form (e.g., solids, liquids, semi-liquids, gases or in a living state) produced for biological and chemical warfare".[11] This regime had also been fully incorporated into the London Protocol 1996, which had entered into force in 2006 and would eventually replace the London Convention. However, the Convention (and Protocol) did not cover materials dumped before the entry into force of the Convention. The parties to the London Convention (and subsequently the parties to the London Protocol) were, however, aware that, in the 1980s to 1990s, parties to the Helsinki Convention had considered the issue of chemical warfare munitions that had been dumped in the Baltic Sea in the wake of the First and Second World Wars in some detail and had agreed to leave those munitions where they had been dumped.

32. The parties to the London Convention and the London Protocol had subsequently endorsed that policy and in the past had discussed the location of historical sites of obsolete munitions and had attempted to bring such information to the attention of fishers and mariners in all States parties to the London Convention and the London Protocol by publishing location information and providing advice regarding the handling of such munitions if found in nets. Some maps identifying known dump sites had also been made available in the Mediterranean Sea, Australia, New Zealand, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and others. The International Hydrographic Organization included these in its charts.

33. In this context, IMO noted that the governing bodies of the London Convention and the London Protocol received advice on the scientific/technical

[11] Article IV (1) (a), juncto annex I, para. 7.

aspects of any issues related to the Convention and the Protocol from its scientific groups, which met annually, approximately six months before the meeting of the governing bodies.

B. Response to incidents

34. Poland reported that, since the 1950s, several incidents related to waste originating from chemical munitions dumped at sea had occurred in the Polish exclusive economic zone. Some of them were associated with the beaching of chemical weapons on the Polish Coast, and others with accidental catches of chemical weapons by fishermen. Decontamination of fishing vessels in contact with such waste had been done on several occasions, and decontamination of contaminated beaches had been performed after the chemical weapons beaching. Treatment of injured fishing personnel and tourists had been undertaken by the responsible units.

35. Croatia indicated that its most common experience regarding dumped ammunition was related to the deactivation and disposal of old underwater mines.

36. Other countries indicated that, to date, they had had no real experience in responding to incidents related to waste originating from chemical munitions dumped at sea.

37. On the question of the capacity of a country or region to respond to incidents related to waste originating from chemical munitions dumped at sea, Croatia, France, Japan, Mexico, the Philippines, Poland, Spain and Turkey, stated that they had the capacity to respond to such incidents, while other countries answered that they did not.

38. The European Union indicated that any country affected by an incident related to waste originating from chemical munitions dumped at sea could address a request for assistance to the Emergency Response Centre in the European Commission. The Centre was a 24-hour-a-day/7-day-a-week operational hub of the European Union Civil Protection Mechanism which facilitated cooperation in civil protection assistance interventions by pooling the resources and expertise of the 32 participating States.[12]

39. France, Japan, Lithuania, Mexico, Poland, Qatar, Spain, and Turkey stated that they had developed national action plans or built capacities to respond to incidents related to waste originating from chemical munitions dumped at sea.

40. For example, France had contingency plans in place to respond to chemical incidents whether they were from accidental or terrorist origin. Those plans described the organization of the various actors at the local and national level. Lithuania and Poland were actively participating in the CHEMSEA project, which aimed to prepare an action plan of response to the incidents related to waste originating from chemical munitions dumped at sea. In Turkey, in order to ensure preparedness of coastal facilities, risk assessment and emergency response plans had been prepared. In Qatar, people within the armed forces got training in dealing with chemical weapons. Japan had been investigating the chemical munitions, removing them and rendering them harmless once they were discovered, with cooperation

[12] See http://ec.europa.eu/echo/policies/disaster_response/mechanism_en.htm.

from a private company which had such expertise. The Philippines had increased its coordination with other countries that had built-in capacities and capabilities. Mexico had developed plans to cope with maritime incidents that jeopardized the environment. With more knowledge of the risk associated to waste originating from chemical munitions dumped at sea, those plans would be revised.

41. The European Union indicated that the CHEMSEA project would update the existing guidelines and develop them further in order to reduce potential threats to the environment and fishermen. The OSPAR Commission prepared the 2009 report as a framework for the development of national guidelines on what to do to reduce risk to fishermen and coastal users when munitions were encountered.[13]

42. Bahrain, Croatia, Cyprus, Guyana, Latvia, Malaysia and Romania stated that they had not prepared any national action plan or built-in capacity to respond to incidents related to waste originating from chemical munitions dumped at sea. However, they were interested in doing so or in joining international collaboration to exchange views regarding this in the future.

43. Chile, Costa Rica, Estonia, Gabon, Georgia, Grenada and New Zealand indicated that they did not have action plans with regard to response to incidents related to waste originating from chemical munitions dumped at sea, nor did they intend to have any in the near future, either because there was no demand for State policy based on historical information on the absence of dumped chemical munitions in their marine waters, or because they had never had any experience with that phenomenon and considered the action plan unnecessary.

44. IMO indicated that, under the London Convention and Protocol, dumping of waste in general required a permit, to be issued by the member State or contracting party.

45. In 1993, the contracting parties to the London Convention had agreed to prohibit the disposal at sea of industrial waste as from 1 January 1996 by adopting resolution LC.49(16). That resolution contained the necessary amendments to annexes I and II to the London Convention and those amendments had entered into force on 20 February 1994. Ammunitions were materials "generated by manufacturing and processing operations" and, once these become obsolete, they were regarded as "industrial waste" under the amendments mentioned above. With the adoption of resolution LC.51(16), contracting parties in 1993 had also agreed to extend the prohibition of sea disposal of high-level radioactive wastes or other radioactive matter in place since 1975, to henceforth cover sea disposal of all radioactive wastes or radioactive matter. Disposal at sea of ammunition containing depleted uranium was thus covered by a double prohibition. The consequence of those decisions was that authorities dealing with obsolete ammunition should in general find an acceptable option on land (i.e. safe disposal or destruction on land). In exceptional cases, contracting parties could invoke article V (2) of the London Convention 1972, or article 8.2 of the London Protocol — the so-called "emergency procedure".

46. Some contracting parties, in their annual notifications of permits issued under the Convention and Protocol, occasionally reported to the Secretariat that permits had been issued for sea disposal of "useless explosives" or "obsolete ammunition".

[13] See http://qsr2010.ospar.org/en/ch09_09.html.

In other words, there was no uniform agreement among parties that those materials should not be dumped at sea.

47. WHO had built capacities to support countries, if requested, to respond to all types of chemical incidents and emergencies that overwhelmed national public health capacities and capabilities.[14] The International Health Regulations were an international legal instrument that was binding to all States members of WHO with the aim of helping the international community to prevent and respond to acute public health risks that had the potential to cross borders and threaten people worldwide, including chemical events.[15]

C. Raising awareness and other actions

48. Croatia, Estonia, France, Latvia, Lithuania, New Zealand, the Philippines, Poland and Qatar stated that their Governments provided information on waste originating from chemical munitions dumped at sea to civil society and industry or conducted activities to raise awareness on such waste.

49. Available information on existing disposal sites charted on the maps of the former Yugoslavia was published by the Croatian Hydrography Institute on nautical maps.

50. In Estonia, information on dumped chemical munitions in the Baltic Sea area was released when requested by the general public, industry or others.

51. In France, the specialized research institutes maintained their level of information by following the conferences on those issues and monitoring the scientific and technical literature.

52. According to the Helsinki Commission Guidelines, a national leaflet entitled "Fisheries and warfare agents: preventive measures and first aid" had been created and published by the Commission. The State Environmental Service of Latvia had distributed the leaflet to the crews of fisheries.

53. Over the past few years, Lithuania had hosted a few international conferences and workshops on waste originating from chemical munitions dumped at sea, presented the issue in various international organizations, and informed the public via the media. The events organized within this framework included: the fifteenth meeting of the Helsinki Commission's Monitoring and Assessment Group (Vilnius, Lithuania, 4-7 October 2011); an international seminar on environmental effects related to waste originating from sea-dumped chemical munitions (Vilnius, Lithuania, 20 September 2011); and the Institute of Electrical and Electronics Engineers/Oceanic Engineering Society Baltic 2012 International Symposium (Klaipeda, Lithuania, 8-11 May 2012). Moreover, a website had been created to facilitate discussion among different actors on the issue of chemical weapons

[14] See http://www.who.int/entity/phe/events/wha_66/flyer_chemical_incident2013.pdf.

[15] The text of the International Health Regulations is available from http://www.who.int/ihr/9789241596664/en/index.html. Further information about the Regulations is available from http://www.who.int/ihr/en/.

dumped at sea.[16] Lithuania also mentioned interviews given to the newspapers and radio.[17]

54. The Polish Government and other institutions provided information and raised awareness on waste originating from chemical munitions dumped at sea by direct actions and support to international projects and activities. In 2012 and 2013, a series of conferences on "Poland for the Baltic Sea", aimed at the sea users and local maritime administration, were organized by the Chief Inspectorate of Environmental Protection of Poland. Polish Officials raised the issue of waste originating from chemical munitions dumped at sea during interviews, official meetings and public debates. Information on waste originating from chemical munitions dumped at sea was available on the Chief Inspectorate of Environmental Protection web page. Polish representatives had presented the results of their research at a number of international and national conferences regarding problems related to waste originating from chemical munitions dumped at sea. Several publications had been issued in international and national journals. A series of training courses for fishermen had been held by the Polish Naval Academy, within the framework of the CHEMSEA project, with the support of scientists from the Institute of Oceanology of the Polish Academy of Sciences. A number of national television broadcasts had been done, originating both from the Government and the CHEMSEA project. A documentary related to waste originating from chemical munitions dumped at sea was currently being assembled by GEORAMA TV for the Arte television channel.

55. The Government of Qatar provided information to military personnel in the training courses of the armed forces for the purpose of raising awareness among all military personnel about environmental pollution and environmental issues, including those related to chemical weapons and waste.

56. The Government of the Philippines had strict rules, particularly on the handling and storage of waste originating from chemical munitions dumped at sea. Industries which sought to renew business licences were required to go through a thorough inspection of their storage facilities, and should mandatorily follow the rules and other international and local codes. Awareness programmes were clustered based on the interest of the public and Government.

57. In New Zealand, the information on the two chemical weapon dumping sites was available to members of the public should they wish to see it.

58. IMO indicated that the London Convention and Protocol had an extensive outreach and capacity-building programme, which included all aspects of implementation of the Convention and the Protocol at the national level and in national legislation, as well as compliance monitoring and enforcement. The parties to the London Convention and Protocol had developed and published information for fishermen and mariners regarding known dump sites that provided advice regarding the handling of such munitions if found in nets.

59. Through the International Programme on Chemical Safety,[18] WHO worked to establish the scientific basis for the sound management of chemicals, and to strengthen national capabilities and capacities for chemical safety. Chemical safety

[16] http://www.seadumpedcw.org/

[17] See www.chemsea.eu/press.php.

[18] See www.who.int/ipcs/en/index.html.

was achieved by undertaking all activities involving chemicals in such a way as to ensure the safety of human health and the environment. It covered all chemicals, natural and manufactured, and the full range of exposure situations from the natural presence of chemicals in the environment to their extraction or synthesis, industrial production, transport, use and disposal (including, for example, some warfare agents). However, WHO did not currently have activities dedicated specifically to waste originating from chemical munitions dumped at sea.

60. Partnerships between the Government, industry and civil society on raising awareness, as well as reporting and monitoring of waste originating from chemical munitions dumped at sea had been developed in Bahrain, Latvia, the Philippines and Poland. For example, fishermen in Latvia had been invited to report to the State Environmental Service on dumped chemical munitions that had been caught. There was a standing cooperation in Poland between the scientific community (the Institute of Oceanology of the Polish Academy of Sciences, the Military University of Technology, and the Polish Naval Academy) and the Government (the Ministry of Foreign Affairs, the Ministry of Defence, and the Chief Inspectorate of Environmental Protection) with regard to waste originating from chemical munitions dumped at sea studies, development of international reports and dissemination of knowledge. The Philippines reported that the relevant governmental agencies maintained coordination with the industry and civil society to monitor any occurrence of waste originating from chemical munitions dumped at sea. The Government of Bahrain was in active partnership with the industry and civil society on a number of local infrastructure, development and environmental issues.

61. In addition, IMO indicated that the London Convention and Protocol had a network of partnerships with contracting parties, NGOs and industry.

D. Cooperation

1. Existing regional and international cooperation on waste originating from chemical munitions dumped at sea

62. The European Union cooperated with other States within the framework of different regional sea conventions, such as the Helsinki Convention and the Convention for the Protection of the Marine Environment of the North-East Atlantic.

63. The Helsinki Commission worked to protect the marine environment of the Baltic Sea from all sources of pollution through intergovernmental cooperation among Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, the Russian Federation, Sweden and the European Community. The Helsinki Commission was the governing body of the Helsinki Convention. Currently, the Commission's ad hoc expert group on dumped chemical munitions was preparing a report that would provide updated and reviewed information on dumped chemical munitions in the Baltic Sea. The report would present available knowledge about dumping and recovery activities in the Baltic Sea, in particular reflecting recently found archive material and research findings, on the basis of which conclusions would be drawn.

64. Lithuania reported that the International Scientific Advisory Board on Dumped Chemical Weapons had been established under Lithuania's initiative and had started

its activities in 2010. The Board gathered world-renowned representatives of environmental organizations, scientists and researchers from Australia, Belgium, Canada, France, Japan, Lithuania, Poland, the Russian Federation, Sweden and the United States of America working in the fields of environmental protection and destruction of chemical weapons. It provided qualified scientific and technological information, evaluations and analytical recommendations regarding chemical weapons dumped at sea.

65. Lithuania and Poland reported that CHEMSEA was a flagship project of the Strategy for the Baltic Sea Region. It had been initiated in late 2011 and would last until early 2014. Poland was the coordinator of the project, which united 11 institutions from Finland, Germany, Lithuania, Poland and Sweden. It was a research project with an administrative component, and received support from maritime administration, ministries of environment and the militaries of partner States.

66. The issue of chemical weapons dumped at sea was also raised in the forum of the Organization for Prohibition of Chemical Weapons (OPCW). During the seventeenth session of the Conference of the States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention), held from 26 to 30 November 2012 at The Hague, Poland and Lithuania had organized a side event on chemical weapons dumped at sea: recent developments.

67. A side event devoted to chemical weapons dumped at sea had been organized by Poland, together with Lithuania, the International Dialogue on Underwater Munitions and the International Scientific Advisory Board on Dumped Chemical Weapons at the margins of the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (8-19 April 2013, The Hague). The aim of the side event had been to promote the exchange of experience and information related to problems caused by chemical weapons dumped at sea and to encourage States to develop OPCW as a venue for voluntary cooperation among Governments, relevant industries, academia and the NGO community on that important subject.

68. In addition, at the Third Review Conference of the States Parties to the Chemical Weapons Convention, Bulgaria, Lithuania, Luxembourg and Poland had presented a joint working paper on broadening international cooperation on chemical weapons dumped at sea and on promoting OPCW as a forum for voluntary cooperation on that issue. Following the proposal, the issue of chemical weapons dumped at sea had been reflected in the final report of the Conference wherein it was stated that the Third Review Conference had noted the General Assembly resolution on cooperative measures to assess and increase awareness of environmental effects related to waste originating from chemical munitions dumped at sea, adopted at its sixty-fifth session by consensus, and had invited States parties to support voluntary sharing of information, raising-awareness and cooperation on the issue.

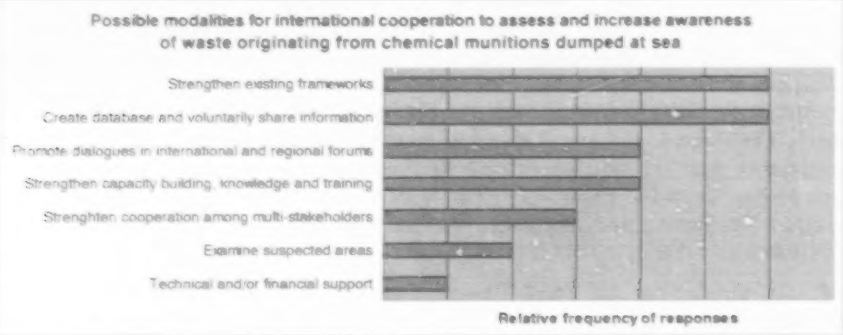
69. Croatia reported that the contracting parties to the Barcelona Convention had also cooperated in initiatives undertaken related to the issue of waste originating from chemical munitions dumped at sea.

70. Bahrain and Qatar reported that cooperation and coordination existed among all gulf countries through the Gulf Cooperation Council on all issues concerning environment and pollution, including the issue of chemical waste.

71. IMO reported that it had also cooperated actively with Governments, academia, NGOs and industry on issues within the mandate of the Convention/Protocol as well as on broad issues pertaining to other international instruments. For munitions containing radiological material, IMO worked with the International Atomic Energy Agency to identify "accidental" losses and historical disposal sites.

72. The International Dialogue on Underwater Munitions stated that it served as a non-governmental global forum for underwater munitions information exchange on the topics of policy, science, technology and economics of investing in marine resources. It was a body in which all stakeholders, including diplomats, Government departments, industry, fishermen, divers, oil and gas workers, and military, could come together to discuss, seek solutions and promote international teamwork on the issues related to underwater munitions. The third meeting of the International Dialogue on Underwater Munitions, held in Sopot, Poland, in 2011, focused on chemical munitions dumped at sea.

2. Possible modalities for international cooperation to assess and increase awareness of waste originating from chemical munitions dumped at sea


Possible modalities for international cooperation to assess and increase awareness of waste originating from chemical munitions dumped at sea
Strengthen existing frameworks
Create database and voluntarily share information
Promote dialogues in international and regional forums
Strengthen capacity building, knowledge and training
Strengthen cooperation among multi-stakeholders
Examine suspected areas
Technical and/or financial support
Relative frequency of responses

73. Some respondents supported the need to strengthen cooperation on waste originating from chemical munitions dumped at sea within existing frameworks, including regional seas conventions, and to continue international and regional projects and activities which relate to risk assessment, monitoring and environmental damage management related to waste originating from chemical munitions dumped at sea.

74. Some respondents suggested that consideration be given to creating a database on chemical munitions dumped at sea with voluntary shared information on, for example, dumping sites, recorded environmental impact, best practices of reaction after accidental encounter, and available technologies for destruction, paying specific attention to using and building upon, rather than duplicating, existing and ongoing work on the issue in the relevant regional seas conventions. OPCW could be a venue for voluntary sharing of information, raising awareness and cooperation on chemical weapons among the States parties, academia, industry and NGOs. Some

other respondents suggested that cooperation could be carried out through continuous survey by the United Nations.

75. Some respondents stated that there was a need to promote dialogue and broader engagement on the possible impact of chemical weapons dumped at sea within international and regional forums, conferences and meetings, or to organize side events on the margins of annual meetings or plenary sessions in relation to environmental threats. Some indicated that, since the issue of waste originating from chemical munitions dumped at sea was directly regulated under the London Convention and Protocol, it could be brought to the attention of the governing bodies of the Convention and the Protocol at the next meeting, to be held from 14 to 18 October 2013.

76. Some stressed that it was necessary to strengthen capacity-building through national and regional workshops, or by creating a series of capacity-building frameworks either online in all the official languages of the United Nations or face to face. Some stated that there was a need to further integrate research, administration and industry on waste originating from chemical munitions dumped at sea — both in terms of enhanced cooperation and knowledge exchange, and support to capacity-building programmes. Some expected that assistance would be provided in enhancing the knowledge on the subject, as well as imparting training to key staff. Some specifically suggested that cooperation could be carried out through: the conduct of training courses for those persons and organizations dealing with or responsible for such issues; the exchange of experience with international organizations and developed countries; and study tours to international organizations and institutions, which tackled the problem of chemical waste.

77. Some respondents emphasized that there was a need to enhance the involvement of all stakeholders, including States, relevant international organizations, such as OPCW, the United Nations Development Programme, UNEP, and the Office for Disarmament Affairs of the Secretariat, as well as public and private partners, to assess and increase awareness of waste originating from chemical munitions dumped at sea. It was considered that the international organizations should assist in addressing the risks identified by research activities and exchanging information with respect to chemical weapons dumped at sea, including risk of exposure to dumped chemical agents, for example, fishing crews, items washed ashore on beaches, risk of increased contamination of sea organisms, such as the teratogenic, carcinogenic and mutagenic potential of the multitude of agents. Some stated that there should be coordination in the United Nations to develop standards and policies with regard to waste originating from chemical munitions dumped at sea. Some suggested that this topic should be explicitly mentioned in the clean water strategy at both the international and country levels.

78. Some respondents stated that cooperation between countries or with international organizations to examine the suspected areas and gather information on possible chemical munitions discharges at sea could, with time, assist in preventing environmental effects related to waste originating from chemical munitions dumped at sea.

79. Some mentioned technical and/or financial support to developing countries which were affected by waste originating from chemical munitions dumped at sea, and proposed the creation of an international donor trust fund in that regard.